

Protection of Human and Environmental Rights in times of Conflict: Rethinking Security, Legal Structures and Policies for Posterity

**Protection of Human and Environmental
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Posterity**

Kariuki Muigua

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Protection of Human and Environmental Rights in times of Conflict: Rethinking Security, Legal Structures and Policies for Posterity

Kariuki Muigua*

Abstract

This paper discusses ways through which human and environmental rights can be adequately protected in times of conflict. The paper argues that the prevalence of conflicts and wars all over the world is a major threat to human and environmental rights. It examines the impact of conflict on human and environmental rights. Due to its adverse consequences on people and planet, the paper argues that upholding human rights in times of conflict is necessary towards Sustainable Development. The paper proposes measures through which security, legal structures and policies can be effectively designed in order to enhance the protection of human and environmental rights in times of conflict for Sustainable Development.

1.0 Introduction

The United Nations 2030 *Agenda for Sustainable Development*¹ recognises peace and security as fundamental tenets towards sustainability. According to the Agenda, there can be no Sustainable Development without peace and no peace without Sustainable Development². Peace has been described as a fundamental precondition for social and economic development³. It has been argued that without peace, societies are often plagued by conflict, violence, and instability, which can hinder progress and result in the loss of lives and resources⁴. Achieving peace leads to Sustainable Development by

* PhD in Law (Nrb), FCI Arb (Chartered Arbitrator), OGW, LL. B (Hons) Nrb, LL.M (Environmental Law) Nrb; Dip. In Law (KSL); FCPS (K); Dip. in Arbitration (UK); MKIM; Mediator; Consultant: Lead expert EIA/EA NEMA; BSI ISO/IEC 27001:2005 ISMS Lead Auditor/ Implementer; ESG Consultant; Advocate of the High Court of Kenya; Professor of Environmental Law and Conflict Management at the University of Nairobi, Faculty of Law; Member of the Permanent Court of Arbitration (PCA) [November, 2025].

¹ United Nations General Assembly., 'Transforming Our World: the 2030 Agenda for Sustainable Development.' 21 October 2015, A/RES/70/1., Available at <https://sustainabledevelopment.un.org/content/documents/21252030%20Agenda%20for%20Sustainable%20Development%20web.pdf> (Accessed on 19/11/2025)

² Ibid

³ United Nations., 'Goal 16: Peace, Justice and Strong Institutions' Available at <https://www.un.org/sustainabledevelopment/peace-justice/> (Accessed on 19/11/2025)

⁴ Ibid

reducing poverty and preventing conflict, translating to a healthier business environment that allows for a more effective delivery of products and services⁵. In addition, security plays a vital role in unlocking Sustainable Development by providing the stability and safety that is crucial for long-term economic, social and environmental progress and development⁶. It has been argued that security significantly shapes the course of Sustainable Development by influencing resource allocation, governance structures, and societal priorities⁷.

Achieving peace and security is therefore vital if the Sustainable Development agenda is to be realised. However, it has been observed that conflicts, wars and security threats are becoming more prevalent, intricate and protracted undermining global progress towards Sustainable Development⁸. The prevalence of wars and conflicts all over the world has been linked to factors such as deep-seated inequalities, weak governance frameworks, poverty, lack of inclusion and participation, organised crime, discrimination and gender inequalities, radicalisation and violent extremism, terrorism, forced displacement and migration, climate change and environmental degradation⁹.

Conflicts and wars have adverse impacts on people and planet. It has been pointed out that fragile and conflict-affected settings suffer some from limited resources, poor governance, insecurity, weak institutions and inequality¹⁰. This often leads to abuse of

⁵ The Link Between Peace and Sustainable Development., Available at <https://www.adecesg.com/resources/blog/the-link-between-peace-and-sustainable-development/> (Accessed on 19/11/2025)

⁶ Julnar, J., & Debo. D., 'The Impact of National Security on Sustainable Development and Disclosure' Available at https://www.researchgate.net/publication/387518116_The_Impact_of_National_Security_on_Sustainable_Development_and_Disclosure (Accessed on 19/11/2025)

⁷ Ibid

⁸ European Commission., 'Peace and Security' Available at https://international-partnerships.ec.europa.eu/policies/peace-and-governance/peace-and-security_en (Accessed on 19/11/2025)

⁹ Ibid

¹⁰ Supporting Green Growth in Fragile and Conflict-affected Settings., Available at <https://www.enterprise-development.org/wp-content/uploads/GG-Fragile-Contexts-Technopolis.pdf> (Accessed on 19/11/2025)

human rights while also contributing to environmental degradation¹¹. Protecting human and environmental rights in times of conflict is therefore vital for Sustainable Development.

This paper discusses ways through which human and environmental rights can be adequately protected in times of conflict. The paper argues that the prevalence of conflicts and wars all over the world is a major threat to human and environmental rights. It examines the impact of conflict on human and environmental rights. Due to its adverse consequences on people and planet, the paper argues that upholding human rights in times of conflict is necessary towards Sustainable Development. The paper proposes measures through which security, legal structures and policies can be effectively designed in order to enhance the protection of human and environmental rights in times of conflict for Sustainable Development.

2.0 Impacts of Conflict on Human and Environmental Rights

The prevalence of conflicts and wars globally is a major threat to the attainment of human and environmental rights. It has been pointed out that ongoing armed conflicts and wars are fueling the loss of civilian lives, the displacement of populations, disregard for human rights, loss of livelihoods, increased poverty, and social fragmentation¹². Conflicts undermine human rights since they hinder access to essential services including food, education, healthcare and water¹³. Further, it has been argued that human rights abuses are heightened in times of conflict¹⁴. For example, arbitrary detention, torture,

¹¹ United Nations., 'How conflict impacts our environment' Available at <https://www.un.org/en/peace-and-security/how-conflict-impacts-our-environment#:~:text=Armed%20conflicts%20use%20large%20quantities,human%20health%20and%20the%20environment> (Accessed on 19/11/2025)

¹² Gray Group International., 'Peace and Sustainable Development: Synergies for Global Prosperity' Available at <https://www.graygroupintl.com/blog/peace-and-sustainable-development> (Accessed on 19/11/2025)

¹³ Ibid

¹⁴ United Nations Development Programme., 'How can we protect human rights while global conflict rages?' Available at <https://www.undp.org/blog/how-can-we-protect-human-rights-while-global-conflict->

extrajudicial killings and forced disappearances are common human right violations in areas affected by conflicts¹⁵. It has been pointed out that once conflicts, wars and violence erupt, human rights violations become widespread since civilians become targets of indiscriminate killings, torture, displacement and sexual violence among other forms of abuse¹⁶.

Conflicts can therefore undermine human rights. It has been observed that human rights violations and abuses have often been a common feature of armed conflicts that affect many states in the world¹⁷. Violent conflict is often accompanied by widespread violations and abuses of human rights especially against vulnerable populations¹⁸. For instance, children have been identified as the most vulnerable group in any conflict situation¹⁹. During armed conflicts, children often comprise a large proportion of civilian casualties²⁰. During times of conflict, children are often orphaned or separated from their families therefore undermining their access to basic needs including food, shelter, clothing, healthcare, and education²¹. Further, in some conflict settings, children are usually recruited and exploited by armed groups to participate in armed conflicts as child soldiers²². In addition, children especially girls are also exposed to the risk of sexual abuse including rape in times of conflict²³. The rights of children are therefore adversely impacted times of conflict.

[rages#:~:text=A%20warning%20of%20violence,decision%2Dmaking%20also%20exacerbates%20this.](#)

(Accessed on 19/11/2025)

¹⁵ Ibid

¹⁶ Ibid

¹⁷ Human Rights and Conflict., Available at https://assets.publishing.service.gov.uk/media/5a806fa840f0b623026937f1/RA_Newsletter_Mar_2016_Human_Rights_and_Conflict_.pdf (Accessed on 19/11/2025)

¹⁸ Ibid

¹⁹ Matambo. R., 'Protecting Children's Rights in Conflict: A Continental Approach' Available at <https://trainingforpeace.org/publications/protecting-childrens-rights-in-conflict-a-continental-approach/> (Accessed on 03/01/2025)

²⁰ Ibid

²¹ Ibid

²² United Nations Children's Fund., 'Child Protection' Available at <https://www.unicef.org/child-protection> (Accessed on 19/11/2025)

²³ Ibid

In addition, women and girls are also disproportionately impacted by conflicts. It has been argued that conflicts undermine the rights of women and girls who face increased risks of sexual violence, exploitation, and displacement²⁴. It has been pointed out that conflicts tend to increase the incidence of sexual violence, rape, sexually transmitted infections (STIs), including HIV/AIDS and unwanted pregnancies with severe physical, reproductive and mental consequences for women and girls²⁵. In addition, essential social services, including medical facilities, on which women and girls heavily depend for their well-being, are greatly disrupted by armed conflicts, a situation that can undermine their sexual and reproductive rights²⁶.

Further, the rights of refugees and displaced persons are significantly affected in times of conflict since they face several challenges including inadequate housing, limited access to food and water, inadequate access to healthcare and limited opportunities for employment and education²⁷. In addition, it has been argued that the elderly and persons with disabilities face serious obstacles in meeting basic needs such as food, water, sanitation, and health care during conflict situations thus undermining their rights²⁸. The elderly and persons with disabilities also face several difficulties fleeing armed attacks on their homes and communities exposing them to the risk of death and injuries²⁹.

From the foregoing, it is evident that conflicts can negatively impact human rights especially for vulnerable populations including children, women and girls, refugees and

²⁴ Gray Group International., 'Peace and Sustainable Development: Synergies for Global Prosperity' Op Cit

²⁵ United Nations Population Fund., 'The Impact of Armed Conflict on Women and Girls' Available at https://www.unfpa.org/sites/default/files/pub-pdf/impact_conflict_women.pdf (Accessed on 19/11/2025)

²⁶ Ibid

²⁷ Gray Group International., 'Peace and Sustainable Development: Synergies for Global Prosperity' Op Cit

²⁸ Human Rights Watch., 'Persons with Disabilities in the Context of Armed Conflict' Available at <https://www.hrw.org/news/2021/06/08/persons-disabilities-context-armed-conflict> (Accessed on 19/11/2025)

²⁹ Report on Older People in Conflicts., Available at <https://dorcias.org/wp-content/uploads/2022/06/Dorcias-Report-Older-People-in-Conflicts.pdf> (Accessed on 19/11/2025)

displaced persons, the elderly and persons with disabilities. In addition to undermining human rights, conflicts also affect environmental rights. According to the United Nations Environment Programme (UNEP), the environment continues to be a silent victim of armed conflicts that are happening globally³⁰. Parties to armed conflicts and wars often employ tactics that damage the environment such as polluting water resources, torching down crops, destroying forests, poisoning soils, bombing of industrial sites and killing animals in order to gain military advantage³¹. This fuels environmental damage and degradation leading to food and water insecurity, loss of livelihoods, climate change and biodiversity loss³². The United Nations notes that beyond immediate environmental destruction, conflicts and wars disrupt ecosystems, deplete natural resources, pollute the environment, and jeopardize the health of our planet now and for generations to come³³. Tactics such as the use of toxic chemicals, destruction of oil wells and bombing of industrial sites that are usually employed during armed conflicts lead to environmental damage and degradation while also undermining human life, health and livelihoods³⁴.

It is therefore evident that conflicts undermine human and environmental rights. By affecting the rights of people and nature, conflicts pose significant challenges to development and sustainability, leading to economic decline, social dislocation, humanitarian disasters, and environmental damage³⁵. The loss of human life, destruction

³⁰ 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 19/11/2025)

³¹ 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 19/11/2025)

³² Ibid

³³ United Nations., 'How conflict impacts our environment' Available at <https://www.un.org/en/peace-and-security/how-conflict-impacts-our-environment> (Accessed on 19/11/2025)

³⁴ United Nations Environment Programme., 'Rooting for the environment in times of conflict and war' Op Cit

³⁵ African Development Bank Group., 'Nexus conflict and sustainability: An African perspective' Available at <https://blogs.afdb.org/climate-change-in-africa/nexus-conflict-and-sustainability-an-african-perspective-363#:~:text=Armed%20conflicts%20pose%20significant%20challenges,hindered%20development%20and%20sustainability%20efforts> (Accessed on 19/11/2025)

of infrastructure, human capital, and institutions, political instability, environmental damage and greater uncertainty associated with conflicts can impede Sustainable Development not only during conflict but also in the aftermath of conflict³⁶. It is therefore imperative to uphold human and environmental rights in times of conflict for Sustainable Development.

3.0 Protecting Human and Environmental Rights in times of Conflict for Sustainable Development

Conflicts can have adverse consequences for human and environmental rights. By fuelling loss of human life, displacement of populations, inadequate access to basic services such as food, education, healthcare and water, and environmental degradation, conflicts affect human and environmental rights and impede progress towards Sustainable Development³⁷. Protecting human and environmental rights in times of conflict is therefore an urgent priority towards peace, security and Sustainable Development.

In order to effectively uphold human and environmental rights in times of conflict, it is imperative to rethink security, legal structures and policies. In particular, there is need to uphold the rules of International Humanitarian Law (IHL) in order to protect human and environmental rights in times of conflict³⁸. IHL entails a set of rules and principles which seek, for humanitarian reasons, to limit the effects of armed conflict³⁹. It has been pointed out that IHL stipulates the responsibilities of states and non-state armed groups during

³⁶ International Monetary Fund., 'The Economic Consequences of Conflicts' Available at <https://www.elibrary.imf.org/downloadpdf/display/book/9781484396865/ch002.pdf> (Accessed on 19/11/2025)

³⁷ Gray Group International., 'Peace and Sustainable Development: Synergies for Global Prosperity' Op Cit

³⁸ International Committee of the Red Cross., 'What is International Humanitarian Law?' Available at https://www.icrc.org/sites/default/files/external/doc/en/assets/files/other/what_is_ihl.pdf (Accessed on 19/11/2025)

³⁹ Ibid

armed conflicts⁴⁰. According to the International Committee of the Red Cross (ICRC), the rules and principles of IHL are designed to foster human rights in times of conflict by protecting persons who are not or are no longer participating in armed conflicts and restricting the means and methods of warfare during armed hostilities⁴¹. It has been argued that IHL is founded on several principles including the distinction between civilians and combatants, prohibition on the infliction of unnecessary suffering on both civilians and combatants, the principle of proportionality, and the principle of humanity⁴².

The rules and principles of IHL are designed to protect human rights in times of conflict including through ensuring the rapid and unimpeded passage for humanitarian aid during armed conflicts⁴³; fostering freedom of movement for humanitarian organisations and workers in conflict situations⁴⁴; protection of civilians during armed conflicts⁴⁵; and protection of refugees, prisoners of war, the wounded and the sick⁴⁶. By complying with the rules and principles of IHL, it is possible to protect human rights in times of conflict by minimising the humanitarian consequences of armed conflict, protecting civilians, preventing unnecessary destruction of vital facilities including schools and hospitals, protecting the environment, and creating a suitable environment for peacebuilding⁴⁷. It is therefore imperative to ensure compliance with the rules and principles of IHL including through avoiding attacks on civilian populations and ensuring freedom of

⁴⁰ European Commission., 'International Humanitarian Law' Available at https://civil-protection-humanitarian-aid.ec.europa.eu/what/humanitarian-aid/international-humanitarian-law_en (Accessed on 19/11/2025)

⁴¹ International Committee of the Red Cross., 'What is International Humanitarian Law?' Op Cit

⁴² Basic Principles of IHL., Available at <https://www.diakonia.se/ihl/resources/international-humanitarian-law/basic-principles-ihl/> (Accessed on 19/11/2025)

⁴³ European Commission., 'International Humanitarian Law' Op Cit

⁴⁴ Ibid

⁴⁵ Ibid

⁴⁶ Ibid

⁴⁷ The Impact of IHL on Human Rights and Development., Available at <https://www.numberanalytics.com/blog/impact-of-ihl-on-human-rights-and-development#:~:text=IHL%20can%20play%20a%20crucial,and%20social%20costs%20of%20conflict> (Accessed on 19/11/2025)

movement for humanitarian workers in order to ensure that basic services such as food, medical care, water and shelter are provided to those affected by conflicts towards protecting human rights in times of conflict⁴⁸.

In addition to protecting human rights, it is imperative to uphold environmental rights in times of conflict. Environmental damage and destruction due to conflict has severe impacts for natural resources, critical ecosystems, and people's health, livelihoods, and security⁴⁹. Safeguarding the environment during armed conflicts is therefore crucial for people and planet towards sustainability. In order to achieve this goal, it is imperative to redesign global environmental security, legal and policy structures. For example, it has been suggested that by introducing and prosecuting ecocide as the fifth international crime under the Rome statute, the environment can be adequately protected during and after armed conflicts⁵⁰. Ecocide has been defined as unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts⁵¹. It has been correctly noted that introducing ecocide as an international crime will strengthen environmental protection through criminal law by imposing an international and trans-boundary duty of care on any person or persons exercising a position of superior responsibility, without exemption, in either private or public capacity to prevent the risk of and/or actual extensive damage to or destruction of or loss of ecosystem(s)⁵²; and creating a law with criminal sanctions when the actions of individuals or corporations create a risk of and/or

⁴⁸ European Commission., 'International Humanitarian Law' Op Cit

⁴⁹ United Nations., 'How conflict impacts our environment' Op Cit

⁵⁰ Sarkar. U., 'Ecocide- Protection of Environment: An International Crime' Available at <https://thelawbrigade.com/wp-content/uploads/2021/12/Utsa-Sarkar-IJLDAI.pdf> (Accessed on 19/11/2025)

⁵¹ Stop Ecocide International., 'Developing Ecocide Law' Available at <https://www.stopecocide.earth/legal-definition> (Accessed on 19/11/2025)

⁵² Higgins. P., Short. D., & South. N., 'Protecting the Planet after Rio - The Need for a Crime of Ecocide' Available at <https://www.crimeandjustice.org.uk/sites/crimeandjustice.org.uk/files/09627251.2012.751212.pdf> (Accessed on 19/11/2025)

actual extensive damage to or destruction of or loss of ecosystem(s)⁵³. Redesigning global security, legal and policy structures by introducing ecocide as the fifth international crime can therefore foster environmental rights by protecting the environment from being damaged and degraded in times of conflict through criminal sanctions⁵⁴.

It is also necessary to strengthen international peace and security in order to protect human and environmental rights and foster Sustainable Development. It has been correctly noted that conflicts and wars are undermining Sustainable Development by taking a toll of human life, hindering economic growth, and fueling environmental degradation⁵⁵. Consequently, fostering international peace and security including through peacekeeping operations, diplomacy and the use of appropriate conflict management strategies including the use of Alternative Dispute Resolution (ADR) processes such as negotiation, mediation and conciliation can ensure lasting global peace and security towards upholding human and environmental rights⁵⁶.

Through the foregoing, it is possible to effectively and adequately protect human and environmental rights in times of conflict.

4.0 Conclusion

Conflicts can impede the attainment of human and environmental rights. As a result, there is need to uphold the rights of people and planet in times of conflict in the quest towards Sustainable Development. Achieving this ideal involves upholding the rules and principles of IHL⁵⁷; strengthening environmental governance in times of conflict through

⁵³ Ibid

⁵⁴ 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/chapterabstract/357099488?redirectedFrom=fulltext> (Accessed on 19/11/2025)

⁵⁵ Gray Group International., 'Peace and Sustainable Development: Synergies for Global Prosperity' Op Cit

⁵⁶ United Nations., 'Maintain International Peace and Security' Available at <https://www.un.org/en/our-work/maintain-international-peace-and-security> (Accessed on 19/11/2025)

⁵⁷ International Committee of the Red Cross., 'What is International Humanitarian Law?' Op Cit

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ecocide⁵⁸; and fostering international peace and security for people and planet⁵⁹. Protection of human and environmental rights in times of conflict can therefore be realised through effective security, legal structures and policies for posterity.

⁵⁸ Sarkar. U., 'Ecocide- Protection of Environment: An International Crime' Op Cit

⁵⁹ United Nations., 'Maintain International Peace and Security' Op Cit

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