

The Impact of war on the environment

While the majority of environmental degradation and damage occurs during peacetime activities around the world,⁶ armed conflict affects the environment through multiple, interrelated pathways that extend far beyond immediate battlefield damage. Military operations routinely result in the destruction of water infrastructure, contamination of soil and groundwater, deforestation, air pollution, and the degradation of agricultural land.⁷ These impacts are often aggravated by displacement, the collapse of environmental governance, and the unsustainable exploitation of natural resources, producing long-term consequences for civilian health, food security, and livelihoods.⁸

Contemporary conflicts demonstrate that environmental harm is neither accidental nor peripheral. Urban warfare, the use of explosive weapons in densely populated areas, and prolonged sieges amplify environmental destruction by damaging sanitation systems, waste management facilities, and energy infrastructure.⁹ In occupied or besieged territories, restrictions on access to land, water, and environmental services further intensify ecological degradation and civilian suffering.¹⁰ This has been the situation in Gaza, for example.¹¹

Indeed, the situation in Gaza provides a stark illustration of these dynamics. Israeli bombardment has resulted in extensive damage to water and sanitation infrastructure, leading to groundwater contamination, untreated sewage discharge into the environment, and heightened public health risks.¹² The destruction of agricultural land and green spaces has undermined food systems and reduced ecological resilience, while the accumulation of rubble and hazardous debris poses long-term environmental and health challenges.¹³ These harms are not limited to the duration

⁶ Center for Youth and International Studies, 'The Intersection of Environment and Warfare: Navigating Risks and Sustainability' <<https://www.cyis.org/post/the-intersection-of-environment-and-warfare-navigating-risks-and-sustainability>> accessed 12 December 2025; Rafael Reuveny, Andreea S Mihalache-O'Keef and Quan Li, 'The Effect of Warfare on the Environment' (2010) 47 *Journal of Peace Research* 749; Marie G Jacobsson, 'Third Report on the Protection of the Environment in Relation to Armed Conflicts' UN Doc A/CN.4/700 (3 June 2016).

⁷ Cordula Droege and Marie-Louise Tougas, 'The Protection of the Natural Environment in Armed Conflict – Existing Rules and Need for Further Legal Protection' (2013) 82 *Nordic Journal of International Law* 21 <https://brill.com/abstract/journals/nord/82/1/article-p21_3.xml> accessed 13 December 2025.

⁸ Carsten Stahn, Jens Iverson and Jennifer Easterday (eds), *Environmental Protection and Transitions from Conflict to Peace: Clarifying Norms, Principles and Practices* (Oxford University Press 2017) <<https://academic.oup.com/book/26778>> accessed 13 December 2025.

⁹ International Committee of the Red Cross, *Guidelines* (n 3) paras 8–15.

¹⁰ Karen Hulme, 'Enhancing Environmental Protection During Occupation Through Human Rights' (2020) 10 *Goettingen Journal of International Law* 203 <https://www.gojil.eu/issues/101/101_article_hulme.pdf> accessed 13 December 2025.

¹¹ United Nations Environment Programme, *Environmental Impact of the War in Gaza: A Preliminary Assessment* <<https://www.unep.org/resources/report/environmental-impact-conflict-gaza-preliminary-assessment-environmental-impacts>> accessed 13 December 2025.

¹² United Nations Environment Programme, *Environmental Impact of Conflict in Gaza* (UNEP 2024).

¹³ United Nations Office for the Coordination of Humanitarian Affairs, *Hostilities in the Gaza Strip: Environmental and Humanitarian Impact* (2024).

of hostilities but persist into the post-conflict phase, constraining recovery and deepening humanitarian vulnerability.

Despite the scale of such damage, existing legal frameworks have struggled to respond effectively. The high threshold of “widespread, long-term and severe” environmental damage under Additional Protocol I captures only a narrow category of harm, leaving much conflict-related environmental degradation unaddressed.¹⁴ As a result, the cumulative, indirect, and reverberating effects of warfare on ecosystems and civilian survival often fall through normative gaps, underscoring the need for more robust interpretive, preventive, and accountability-based approaches.

Indeed, arguments that the law of armed conflicts has its own logic that takes precedence above environmental concerns continue to be raised.¹⁵ But, thankfully, far less frequently than in the past. They are increasingly allowing for a more persuasive and forceful conversation about the critical need to prevent, minimise, and alleviate environmental damage in conflict-affected areas.¹⁶ While nations are encouraged to take voluntary measures to better safeguard the environment,¹⁷ the need for a more effective regime cannot be overemphasised.

ILC Draft Principles

The draft guidelines for use during armed conflicts recognise the environment's intrinsic civilian nature and reflect some of the existing treaty-based and customary international humanitarian law rules and principles that provide broad or indirect environmental protection.¹⁸ Other norms of international law that safeguard the environment, such as international environmental law and international human rights law, are also recognised as being important in armed conflicts.¹⁹ In instances of occupation, human rights law and international environmental law play a particularly important role, complementing the law of occupation, which was primarily codified in the first half of the twentieth century.²⁰

The occupying power's environmental responsibility to the inhabitants of the occupied area, the territorial state, and other states is spelt out in the draft principles for situations of occupation.²¹ The draft standards for use during armed conflicts are also consistent with current treaty law, which protects the natural environment against widespread,

¹⁴ Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) art 35(3).

¹⁵ Daniel Turack, ‘Environmental Law of Armed Conflict’ (2008) 22 *Arab Law Quarterly*.

¹⁶ Marja Lehto, ‘Overcoming the Disconnect: Environmental Protection and Armed Conflicts’ (ICRC Law & Policy Blog, 27 May 2021) <<https://blogs.icrc.org/law-and-policy/2021/05/27/overcoming-disconnect-environmental-protection-armed-conflicts/>> accessed 25 February 2025.

¹⁷ Ibid.

¹⁸ Anna Kukushkina, ‘International Humanitarian Law and the Protection of the Environment in Time of Armed Conflict’ (2021) *SSRN Electronic Journal*.

¹⁹ Santosh Upadhyay, ‘Armed Conflict and the Environment’ (2017) 28 *Yearbook of International Environmental Law* 112.

²⁰ Arie Afriansyah, ‘State Responsibility for Environmental Protection During International Armed Conflict’ (2011) 8 *Indonesian Journal of International Law* 307.

²¹ United Nations International Law Commission, *Draft Principles* (n 4) principle 20.

long-term, and severe harm. Despite this, the majority of the 28 draft principles focus on environmental impact below that high level. This includes harm inflicted inadvertently or via negligence, harmful activities, or harm caused by actors other than the dispute parties.²²

This comprehensive approach is based on the recognition that environmental harm in conflict is caused by a variety of reasons that are not just tied to hostilities.²³ The preservation of natural resources from environmentally harmful or unsustainable utilisation is addressed by five draft principles.²⁴ A common issue in today's military conflicts, the majority of which are non-international. The prohibition of pillage, which is an established customary rule that applies in both international and non-international armed conflicts, is one of the pertinent draft principles.²⁵

In times of occupation, the prohibition of pillage sets an absolute restriction on the occupying power's use of an occupied territory's natural resources or by private players operating within the effective control of the occupying power. Simultaneously, the draft occupation principles take into account longer-term environmental degradation caused by bad occupation practices. One of them aspires to protect the occupied territory's natural resources from unsustainable usage.²⁶

Given the role that business enterprises may play in maintaining conflict economies and creating environmental harm, two additional draft principles on corporate due diligence and corporate liability are pertinent in the context of illegal exploitation of natural resources in conflict-affected areas. These two draft principles address the legislative and other actions that states can take to ensure that corporations and their subsidiaries practice due diligence and are held accountable when they harm the environment.²⁷

In this cluster, the final draft principle tackles the unintended consequences of conflict-induced human displacement. Population displacement is a common occurrence when an armed conflict breaks out, and it can result in severe human misery as well as environmental damage. The latter was mostly about using natural resources for food and shelter.²⁸

²² Viktorija Jakjimovska and Ezéchiél Amani, 'Protecting the Environment in Non-International Armed Conflicts: Are We There Yet?' <<https://www.ejiltalk.org/protecting-the-environment-in-non-international-armed-conflicts-are-we-there-yet/>> accessed 28 February 2025.

²³ Tara Smith, 'Critical Perspectives on Environmental Protection in Non-International Armed Conflict: Developing the Principles of Distinction, Proportionality and Necessity' (2019) 32 *Leiden Journal of International Law* 567.

²⁴ Stavros Pantazopoulos, 'UN Lawyers Approve 28 Legal Principles to Reduce the Environmental Impact of War' <<https://ceobs.org/un-lawyers-approve-28-legal-principles-to-reduce-the-environmental-impact-of-war/>> accessed 28 February 2025.

²⁵ Ibid.

²⁶ Karen Hulme, 'Enhancing Environmental Protection During Occupation Through Human Rights' (n 10).

²⁷ Taygeti Michalakea, 'Corporate Responsibility for the Protection of the Environment in Relation to Armed Conflicts' <<https://ceobs.org/corporate-responsibility-for-the-protection-of-the-environment-in-relation-to-armed-conflicts/>> accessed 28 February 2025.

²⁸ United Nations High Commissioner for Refugees, 'Climate Change, Conflict and Displacement: Understanding the Nexus' (UNHCR ExCom Side Event 2018).

Many of the draft principles are based on and reflect existing obligations derived from widely ratified treaties or customary international law that have been interpreted in an environmentally friendly manner. Other draft principles are based on nations' or international organisations' existing or growing practices. In this regard, the draft principles, which reflect both international law and practice, are meant to either clarify or contribute to the ongoing development of international law.²⁹

In addition, the Commission's work on this topic has included regular meetings with relevant specialist organisations such as the United Nations Environment Programme, UNESCO, and the International Committee of the Red Cross.³⁰ This also ensures that the final result is not disconnected from reality on the ground. This is a critical factor for the efficient application of the ILC principles, as well as their ability to provide direction to these many actors and assist them in taking actions that improve environmental protection in conflict situations.³¹ The more applicable the draft principles are, the more likely they are to have an impact in practice. It's also necessary to do outreach and raise awareness. As far as nations are concerned, the UN General Assembly's deliberations undoubtedly help, but much will depend on civil society.³²

ICRC Guidelines

According to research, the majority of violent conflicts in the last 60 years have occurred in biodiversity hotspots.³³ This hastens the loss of nature that we're talking about, even in times of peace. When the environment is harmed, conflict-affected populations are the ones who pay the price.³⁴ As a result, this is essentially a civilian protection concern. But why has this been the case for decades? We can all recall the Vietnam and Gulf wars, eras in history when environmental issues were a topic of public conversation.³⁵

But why is there such a surge of interest now? There are several elements. One among them, though, is the increasing influence of climate change.³⁶ We are increasingly seeing environmental deterioration tied to or unrelated to the conflict, as well as climatic hazards. And this exacerbates the impact of conflict-related environmental harm on vulnerable communities. Because they, like us, rely on the environment for food, water, and livelihood.³⁷ As a result,

²⁹ Daniëlla Dam-de-Jong and Britta Sjöstedt, 'Enhancing Environmental Protection in Relation to Armed Conflict: An Assessment of the ILC Draft Principles' (2021) 44 *Loyola of Los Angeles International and Comparative Law Review* 129.

³⁰ Advisory Committee on Public International Law, *Advisory Report on the ILC's Draft Principles on Protection of the Environment in Relation to Armed Conflicts* (2020).

³¹ Ibid.

³² Britta Sjöstedt and Anne Dienelt, 'Enhancing the Protection of the Environment in Relation to Armed Conflicts – The Draft Principles of the International Law Commission and Beyond' (2020) 1 *Goettingen Journal of International Law* 33.

³³ Thor Hanson and others, 'Warfare in Biodiversity Hotspots' (2009) 23(3) *Conservation Biology* 578.

³⁴ Ibid.

³⁵ Joana Castro Pereira, 'Environmental Issues and International Relations: A New Global (Dis)Order' (2015) 58 *Revista Brasileira de Política Internacional*.

³⁶ Katie Peters and Mairi Dupar, *The Humanitarian Impact of Combined Conflict, Climate and Environmental Risks* (United Nations General Assembly 2020).

³⁷ Ibid.

the ICRC's work in this sector has taken on additional importance as a result of the combined effects of environmental degradation, climatic hazards, and violence.

While a certain degree of environmental harm is inherently linked to conflict, it cannot and does not exist indefinitely. There are legal guidelines that explicitly define these boundaries. International Humanitarian Law does not address all environmental consequences, but it does contain restrictions aimed at limiting the types of environmental damage that can occur during a conflict.³⁸ The question then becomes what can be done to improve the implementation and understanding of these legal requirements.

The ICRC updated its recommendations on the protection of the natural environment in armed conflict in 2020, further up their efforts to promote and increase respect for the relevant IHL norms.³⁹ This document outlined 32 guidelines and recommendations on international humanitarian law and environmental issues. So, rather than the larger chronological and legal scope that the ILC's vital work takes, it focuses on IHL.⁴⁰

These rules have been amended since the initial edition was produced in 1994 in response to a request from the United Nations General Assembly.⁴¹ What inspired the update or what is included in it, the 2020 edition incorporates advances in international law since 1994 in areas such as weapons law and how laws governing the conduct of hostilities relate to the natural environment, while keeping in mind its civilian nature.⁴² In a nutshell, the ICRC recommendations serve as a one-stop shop for all relevant international humanitarian law protecting the environment. The fundamental reason for putting everything in one place is that it is expected that the guidelines will serve as a reference tool for states, parties to armed conflicts, and others who may be asked to advocate, implement, or apply IHL. As a result, it serves as a reference tool and a one-stop shop for pertinent IHL.⁴³

The guidelines are seen as a valuable addition to the ILC's crucial work. They range in breadth and method, with some commonality, such as asserting the natural environment's civilian nature and the application of common hostile laws to the natural environment.⁴⁴

³⁸ Vanessa Murphy and Helen Obregón Gieseken, 'Fighting Without a Planet B: How IHL Protects the Natural Environment in Armed Conflict' (ICRC Law & Policy Blog, 25 May 2021) <<https://blogs.icrc.org/law-and-policy/2021/05/25/fighting-without-planet-b/>> accessed 28 February 2025.

³⁹ International Committee of the Red Cross, *Guidelines* (n 3).

⁴⁰ Ibid.

⁴¹ United Nations General Assembly, Decision 46/417 (9 December 1991).

⁴² International Committee of the Red Cross, *Report Submitted to the 48th Session of the United Nations General Assembly on Protection of the Environment in Time of Armed Conflict* (17 November 1993).

⁴³ Finnish Institute of International Affairs, 'Protecting the Environment During Armed Conflict: What Are the Next Steps?' <<https://www.fiia.fi/en/event/protecting-the-environment-during-armed-conflict>> accessed 28 February 2025.

⁴⁴ Cordula Droeger and Marie-Louise Tougas, 'The Protection of the Natural Environment in Armed Conflict' (n 7).

Moving on to the content of IHL as it relates to the environment, and more specifically, the IHL outlined in the guidelines, there are four aspects to consider. IHL applies to the environment in a variety of ways, which are organised into four areas which make up the 32 regulations and recommendations.⁴⁵

The first is a set of rules that provide specialised environmental protection. Specifically, we imply that the rules were enacted for that specific purpose, and they include the terms natural environment, as opposed to generic rules that apply to other civilian objects but also safeguard the environment. And when we talk about IHL and armed conflict in international law and the environment, the specific norms that protect the natural environment are the ones that everyone talks about first.⁴⁶ The employment of tools and techniques of warfare that are intended or expected to cause widespread, long-term, and serious damage to the natural environment is specifically prohibited.⁴⁷ That's a very high bar, with widespread, long-term, and severe consequences. Articles 35 and 55 of the Additional Protocol 1 contain this information. That is the rule that everyone remembers. That is an absolute threshold, meaning that no matter how great the military advantage, if the damage is broad, long-term, and severe, it is prohibited. It's pretty powerful in that way.⁴⁸ This requires a great deal of attention, but there are also extremely essential laws within the conduct of hostilities that safeguard the environment below that high threshold. So, part of what needs to be done is to spend a lot of time talking about the more general but equally crucial conduct of the rules of hostility.⁴⁹

Moving on to the more basic rules, starting with the most obvious and well-understood: it's widely accepted that the natural environment has a civilian character by default.⁵⁰ i.e., unless sections of the natural environment become military objectives, all of the diverse parts of the natural environment remain civilian objects. It's not to suggest they can't become military targets, but the setting is by nature civilian.⁵¹ This is a significant fact since the principles of distinction, precautions, and proportionality, which are core IHL conduct of hostility regulations that safeguard civilian objects, also apply to the natural environment.⁵² One of the things that the new ICRC guidelines try to do is provide some commentary on how those principles can be applied to the environment because it does demand more consideration, given that the environment is always present and as the military carries out its missions.⁵³

A brief discussion on the importance of the proportionality principle. All conduct of hostility standards are significant, but the principle of proportionality in particular is an IHL responsibility that has a lot of promise for the

⁴⁵ Karen Hulme, 'Taking Care to Protect the Environment Against Damage' (n 2).

⁴⁶ International Committee of the Red Cross, *Guidelines* (n 3) pt I.

⁴⁷ *Ibid.* rule 2.

⁴⁸ Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) arts 35 and 55.

⁴⁹ Carsten Stahn, Jens Iverson and Jennifer Easterday, *Environmental Protection and Transitions from Conflict to Peace* (n 8).

⁵⁰ Jean-Marie Henckaerts and Dana Constantin, 'Protection of the Natural Environment' in Andrew Clapham and Paola Gaeta (eds), *Oxford Handbook of International Law in Armed Conflict* (Oxford University Press 2014).

⁵¹ International Committee of the Red Cross, *Guidelines* (n 3) pt II.

⁵² *Ibid.*

⁵³ *Ibid.*

environment and can provide powerful protection if correctly applied and understood.⁵⁴ This rule states that any aspect of the natural environment that is not a military target is also protected against accidental or disproportionate damage because of its civilian nature, and the collateral damage must not be disproportionate in comparison to the anticipated concrete and direct military advantage from an attack on that military objective.⁵⁵ Alternatively, a military goal in general. As a result, disproportionate harm is prohibited. When estimating what that incidental civilian injury will be, both direct and indirect effects on the natural environment, as long as they are reasonably foreseeable, must be taken into account. According to the ICRC, that's significant because it has consequences for proportionality as we gain a better understanding of the long-term effects of conflict on the ecosystem, or of military activities on the environment.⁵⁶

The third section is devoted to the rules that govern certain weapons. These are only a handful, but the restriction on employing biological and chemical weapons, as well as rules to reduce the impact of large war relics, can all help to safeguard the environment indirectly.⁵⁷

Finally, the fourth and last section lays forth rules for the implementation of IHL distribution. So, for example, laws of military training and their transmission to civilians, as well as general IHL norms, include the natural environment. Emphasising that the natural environment should no longer be an afterthought when considering issues such as civilian protection.⁵⁸

ICRC Recommendations

It's crucial how we put these guidelines, which can be highly protective if followed correctly, into practice. It is not enough that they exist on paper; much more work needs to be done to guarantee that they are widely distributed, implemented, and enforced.⁵⁹ The ICRC has made four major recommendations to nations to help with this, with the goal of reducing the environmental impact of conflicts in the long run.

They are first requesting that governments promote IHL norms safeguarding the environment and, if they have not previously done so, integrate them into armed forces doctrine, education, training, and disciplinary procedures, as well as appropriate international policy or legal frameworks.⁶⁰

Second, actions should be taken to improve understanding of the consequences of conflict on the natural environment in order to reduce the negative effects of military operations when they occur. For example, mapping

⁵⁴ Ben Schueler, 'Methods of Application of the Proportionality Principle in Environmental Law' (2008) 35(3) *Legal Issues of Economic Integration* 231.

⁵⁵ International Committee of the Red Cross, *Guidelines* (n 3) rule 7.

⁵⁶ *Ibid.*

⁵⁷ International Committee of the Red Cross, *Guidelines* (n 3) pt III.

⁵⁸ *Ibid* pt IV.

⁵⁹ Finnish Institute of International Affairs (n 43).

⁶⁰ International Committee of the Red Cross, *Guidelines* (n 3).

regions of particular environmental value or fragility in advance could be an example of this. This could include national parks or habitats for endangered species.⁶¹

Third, identify and define demilitarised zones in regions of significant environmental importance or fragility, such as national parks and habitats of endangered species. Despite the fact that the recommendation requires the most thought and work, the ICRC remains convinced, as it has for several decades, that the use of a demilitarised zone or a protected zone, as the ILC draft principles address, is an important way to provide a lot of clarity, especially of the kind that military commanders require when conducting military operations. As a result, precise definitions of zones with high environmental importance are required.⁶²

Finally, examples and best practices of steps that could be done to comply with IHL, preserving natural environments, will be shared. Conferences, military training, and exercise exchanges are all possibilities.⁶³

With the observation that we are all becoming progressively engulfed in the climate and environmental crises, efforts to implement the legal protections granted to the natural environment under IHL are only one aspect of this, but a critical part. Finally, greater adherence to IHL could reduce the environmental damage of conflict, and crucial preventative work is needed to ensure that those safeguards are implemented. The way in which international law tries to keep unwarranted suffering from armed conflict to a minimum.

The 2025 ICC Policy on Addressing Environmental Damage through the Rome Statute

The accountability dimension of environmental protection in armed conflict has been significantly reinforced by the Office of the Prosecutor's *Policy on Addressing Environmental Damage through the Rome Statute*.⁶⁴ Unlike the International Law Commission's Draft Principles and the ICRC Guidelines, which are primarily preventive, interpretive, and operational in nature, the ICC Policy does more in situating environmental damage within the framework of individual criminal responsibility under existing international criminal law. Its fundamental premise is that serious environmental harm is not legally marginal but may constitute a core element of Rome Statute crimes where it forms part of prohibited conduct or contributes to civilian suffering.⁶⁵

A major contribution of the Policy lies in its clarification that environmental damage may be relevant across the multiple crime categories within the Court's jurisdiction. While Article 8(2)(b)(iv) of the Rome Statute expressly criminalises attacks causing widespread, long-term and severe damage to the natural environment in international

⁶¹ Finnish Red Cross, 'Protection of the Natural Environment in Armed Conflict' (33rd International Conference 2019) <<https://rcrcconference.org/pledge/protection-of-the-natural-environment-in-armed-conflict/>> accessed 28 February 2025.

⁶² Thibaud de La Bourdonnaye, 'Greener Insurgencies? Engaging Non-State Armed Groups for the Protection of the Natural Environment During Non-International Armed Conflicts' (2020) 102 *International Review of the Red Cross*.

⁶³ Ibid.

⁶⁴ International Criminal Court, Office of the Prosecutor, *Policy on Addressing Environmental Damage through the Rome Statute* (n 4).

⁶⁵ Ibid paras 6–10.

armed conflicts, the Policy emphasises that environmental destruction may also fall within the scope of other war crimes and crimes against humanity where it underpins attacks on civilian objects, forcible displacement, persecution, or inhumane acts.⁶⁶ This interpretive approach addresses a significant gap left by IHL-based protections, which have struggled to capture cumulative and indirect environmental harm that does not meet the high treaty threshold.

The Policy further extends accountability discourse beyond active hostilities. It explicitly recognises that environmental damage may arise in situations of occupation, protracted instability, and conflict-related exploitation of natural resources, including conduct linked to economic activity and governance failures.⁶⁷ In this respect, the Policy complements the ILC Draft Principles on natural resource governance and corporate due diligence by identifying circumstances in which environmentally destructive conduct may give rise to individual criminal liability, even where such conduct occurs outside traditional battlefield contexts.⁶⁸

Another notable innovation is the Policy's evidentiary and methodological orientation. The Prosecutor commits to drawing on environmental science, expert ecological evidence, satellite imagery, and climate data to assess foreseeability, gravity, and the long-term consequences of environmental harm.⁶⁹ This approach responds directly to longstanding critiques of international humanitarian law's limited capacity to address slow-onset, reverberating, and intergenerational environmental damage resulting from armed conflict.

Despite its normative significance, the Policy is subject to important limitations. It does not amend the Rome Statute, nor does it create a standalone international crime of environmental destruction. Its application remains constrained by jurisdictional limits, the narrow scope of Article 8(2)(b)(iv), and the requirement that environmental harm be legally connected to existing crimes.⁷⁰ Moreover, the Policy expressly acknowledges that prosecutorial discretion, evidentiary complexity, and political constraints will shape enforcement outcomes.⁷¹ In that regard, it operates as an interpretive and strategic instrument rather than a binding expansion of international criminal law.

Nonetheless, when read alongside the ILC Draft Principles and the ICRC Guidelines, the ICC Policy strengthens an emerging, multi-layered framework for environmental protection in armed conflict. By linking environmental destruction to criminal accountability, it reinforces the normative shift away from viewing environmental harm as an unavoidable consequence of war and towards recognising it as conduct capable of engaging the gravest forms of international legal responsibility.

⁶⁶ Ibid paras 18–26; Rome Statute of the International Criminal Court (1998) art 8(2)(b)(iv).

⁶⁷ Ibid paras 27–33.

⁶⁸ United Nations International Law Commission, *Draft Principles* (n 4) principles 10–13.

⁶⁹ Ibid paras 34–40.

⁷⁰ Ibid paras 41–44.

⁷¹ Ibid paras 45–48.

Conclusion

The protection of the environment during armed conflict has moved decisively from the margins of international humanitarian law towards a more visible and structured legal concern. The ILC Draft Principles, the ICRC Guidelines, and the ICC Prosecutor's 2025 Policy together reflect an emerging consensus that environmental harm is inseparable from civilian protection, sustainable peace, and accountability for serious violations of international law. By addressing different phases of conflict and combining preventive, operational, and punitive dimensions, these instruments collectively strengthen the normative architecture governing wartime environmental protection.

Yet, as the analysis of contemporary conflicts, including Gaza, demonstrates, law and practice remain misaligned. Environmental destruction continues to occur at scales that devastate civilian life while evading effective legal response. Threshold limitations, enforcement challenges, and political constraints continue to undermine protection, particularly in non-international armed conflicts and prolonged occupations. Bridging this gap requires not only the progressive interpretation of existing norms but also sustained political will, institutional coordination, and the meaningful integration of environmental considerations into military planning and post-conflict reconstruction.

Ultimately, treating the environment not as a silent casualty of war but as a legally protected civilian interest is essential to the credibility and humanity of the international legal order. Strengthening compliance, accountability, and implementation is no longer aspirational; it is an urgent necessity in an era defined by ecological fragility and persistent armed conflict.

References

International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict (ICRC 2020) <<https://www.icrc.org/en/document/guidelines-protection-natural-environment-armed-conflict-rules-and-recommendations-relating>> accessed 28 February 2025.

International Committee of the Red Cross, Report Submitted to the 48th Session of the United Nations General Assembly on Protection of the Environment in Time of Armed Conflict (17 November 1993).

Protocol Additional to the Geneva Conventions of 12 August 1949 (Protocol I) 1125 UNTS 3 (1977).

United Nations Environment Programme, Environmental Impact of Conflict in Gaza (UNEP 2024).

United Nations Environment Programme, Environmental Impact of the War in Gaza: A Preliminary Assessment <<https://www.unep.org/resources/report/environmental-impact-conflict-gaza-preliminary-assessment-environmental-impacts>> accessed 28 February 2025.

United Nations General Assembly, Decision 46/417 (9 December 1991).

United Nations International Law Commission, Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, UN Doc A/74/10.

Advisory Committee on Public International Law, Advisory Report on the ILC's Draft Principles on Protection of the Environment in Relation to Armed Conflicts (2020).

Afriansyah A, 'State Responsibility for Environmental Protection During International Armed Conflict' (2011) 8 Indonesian Journal of International Law 307.

Castro Pereira J, 'Environmental Issues and International Relations: A New Global (Dis)Order' (2015) 58 Revista Brasileira de Política Internacional.

Center for Youth and International Studies, 'The Intersection of Environment and Warfare: Navigating Risks and Sustainability' <<https://www.cyis.org/post/the-intersection-of-environment-and-warfare-navigating-risks-and-sustainability>> accessed 28 February 2025.

Dam-de-Jong D and Sjöstedt B, 'Enhancing Environmental Protection in Relation to Armed Conflict: An Assessment of the ILC Draft Principles' (2021) 44 Loyola of Los Angeles International and Comparative Law Review 129.

Droege C and Tougas M-L, 'The Protection of the Natural Environment in Armed Conflict – Existing Rules and Need for Further Legal Protection' (2013) 82 Nordic Journal of International Law 329.

Finnish Institute of International Affairs, 'Protecting the Environment During Armed Conflict: What Are the Next Steps?' <<https://www.fia.fi/en/event/protecting-the-environment-during-armed-conflict>> accessed 28 February 2025.

Hanson T and others, 'Warfare in Biodiversity Hotspots' (2009) 23(3) Conservation Biology 578.

Henckaerts J-M and Constantin D, 'Protection of the Natural Environment' in A Clapham and P Gaeta (eds), Oxford Handbook of International Law in Armed Conflict (Oxford University Press 2014).

Hulme K, 'Enhancing Environmental Protection During Occupation Through Human Rights' (2020) 10 Goettingen Journal of International Law.

Hulme K, 'Taking Care to Protect the Environment Against Damage: A Meaningless Obligation?' (2010) 92 International Review of the Red Cross 675.

Hulme K, 'The ILC's Work Stream on Protection of the Environment in Relation to Armed Conflict' <<http://www.qil-qdi.org/ilcs-work-stream-protection-environment-relation-armed-conflict/>> accessed 25 February 2025.

Jakjmovska V and Amani E, 'Protecting the Environment in Non-International Armed Conflicts: Are We There Yet?' <<https://www.ejiltalk.org/protecting-the-environment-in-non-international-armed-conflicts-are-we-there-yet/>> accessed 28 February 2025.

Kukushkina A, 'International Humanitarian Law and the Protection of the Environment in Time of Armed Conflict' (2021) SSRN Electronic Journal.

La Bourdonnaye T de, 'Greener Insurgencies? Engaging Non-State Armed Groups for the Protection of the Natural Environment During Non-International Armed Conflicts' (2020) 102 International Review of the Red Cross.

Lehto M, 'Overcoming the Disconnect: Environmental Protection and Armed Conflicts' (ICRC Law & Policy Blog, 27 May 2021) <<https://blogs.icrc.org/law-and-policy/2021/05/27/overcoming-disconnect-environmental-protection-armed-conflicts/>> accessed 25 February 2025.

Michalakea T, 'Corporate Responsibility for the Protection of the Environment in Relation to Armed Conflicts' <<https://ceobs.org/corporate-responsibility-for-the-protection-of-the-environment-in-relation-to-armed-conflicts/>> accessed 28 February 2025.

Murphy V and Obregón Gieseken H, 'Fighting Without a Planet B: How IHL Protects the Natural Environment in Armed Conflict' (ICRC Law & Policy Blog, 25 May 2021) <<https://blogs.icrc.org/law-and-policy/2021/05/25/fighting-without-planet-b/>> accessed 28 February 2025.

Old KSJ, 'Environmental Protection and Transitions from Conflict to Peace' (2020) 37 Australian Yearbook of International Law.

Pantazopoulos S, 'UN Lawyers Approve 28 Legal Principles to Reduce the Environmental Impact of War' <<https://ceobs.org/un-lawyers-approve-28-legal-principles-to-reduce-the-environmental-impact-of-war/>> accessed 28 February 2025.

Peters K and Dupar M, The Humanitarian Impact of Combined Conflict, Climate and Environmental Risks (United Nations General Assembly 2020).

Reuveny R, Mihalache-O'Keef AS and Li Q, 'The Effect of Warfare on the Environment' (2010) 47 Journal of Peace Research 749.

Schueler B, 'Methods of Application of the Proportionality Principle in Environmental Law' (2008) 35(3) Legal Issues of Economic Integration 231.

Sjöstedt B and Dienelt A, 'Enhancing the Protection of the Environment in Relation to Armed Conflicts – The Draft Principles of the International Law Commission and Beyond' (2020) 1 Goettingen Journal of International Law 33.

Smith T, 'Critical Perspectives on Environmental Protection in Non-International Armed Conflict: Developing the Principles of Distinction, Proportionality and Necessity' (2019) 32 Leiden Journal of International Law 567.

Stahn C, Iverson J and Easterday J, Environmental Protection and Transitions from Conflict to Peace (Oxford University Press 2017).

Turack D, 'Environmental Law of Armed Conflict' (2008) 22 Arab Law Quarterly.

Upadhyay S, 'Armed Conflict and the Environment' (2017) 28 Yearbook of International Environmental Law 112.