

 <p>REVISTA MOLDOVENEASCA DE DREPT INTERNATIONAL ȘI RELAȚII INTERNAȚIONALE Chișinău, Republica Moldova</p>	<p>Revista Moldovenească de Drept Internațional și Relații Internaționale / Moldavian Journal of International Law and International Relations / Молдавский журнал международного права и международных отношений</p> <p> </p> <p>2026, Issue 1, Volume 21, Pages 9-18. ISSN 1857-1999 EISSN 2345-1963</p> <p>Submitted: 19.11.2025 Reviewed 28.11.2025 Accepted: 20.12.2025 Published: 01.01.2026 https://doi.org/10.61753/1857-1999/2345-1963/2026.21-1.01</p>
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**DREPT INTERNAȚIONAL UMANITAR
INTERNATIONAL HUMANITARIAN LAW
МЕЖДУНАРОДНОЕ ГУМАНИТАРНОЕ ПРАВО**

**THE INTERSECTION OF ENVIRONMENTAL LAW AND
INTERNATIONAL HUMANITARIAN LAW IN PROTECTING
ECOSYSTEMS DURING WARFARE**

**INTERSECȚIA DINȚRE DREPTUL MEDIULUI ȘI DREPTUL INTERNAȚIONAL
UMANITAR ÎN PROTECȚIA ECOSISTEMELOR
ÎN TIMPUL CONFLICTELOR ARMATE**

**ВЗАИМОДЕЙСТВИЕ ЭКОЛОГИЧЕСКОГО ПРАВА И МЕЖДУНАРОДНОГО
ГУМАНИТАРНОГО ПРАВА В ЗАЩИТЕ ЭКОСИСТЕМ ВО ВРЕМЯ
ВООРУЖЁННЫХ КОНФЛИКТОВ**

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ABSTRACT:

**THE INTERSECTION OF ENVIRONMENTAL LAW AND INTERNATIONAL
HUMANITARIAN LAW IN PROTECTING ECOSYSTEMS DURING WARFARE**

Armed conflicts increasingly generate profound and lasting environmental harm, compounding humanitarian crises and intensifying climate-related risks. This paper examines how international humanitarian law regulates the protection of the natural environment during armed hostilities, tracing the evolution of treaty norms, customary principles, and complementary international frameworks. It analyses the responsibilities of states and non-state armed groups to prevent, mitigate, and remedy ecological damage, as well as the emerging role of international criminal law and post-conflict restoration mechanisms. The discussion highlights key legal gaps—particularly the high thresholds of Additional Protocol I and limited rules for non-international armed conflicts—while assessing recent developments such as the ILC Draft Principles and updated ICRC Guidelines. By evaluating both preventive and remedial obligations, the paper underscores the growing recognition that safeguarding the environment is integral to the protection of civilian populations and the rights of future generations.

Key words: international humanitarian law; armed conflict; environmental protection; ecological damage; International Criminal Court; non-state armed groups; post-conflict remediation; Draft Principles; ICRC Guidelines.

JEL Classification: K 33; K 32, F 51: F 64

Universal Decimal Classification: 341; 341.3; 349.6.086(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2026.21-1.01>

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RESUMAT:

**INTERSECȚIA DINTRE DREPTUL MEDIULUI ȘI DREPTUL
INTERNAȚIONAL UMANITAR ÎN PROTECȚIA ECOSISTEMELOR
ÎN TIMPUL CONFLICTELOR ARMATE**

Conflictelor armate generează tot mai des daune de mediu profunde și de durată, agravând crizele umanitare și intensificând riscurile climatice. Lucrarea analizează modul în care dreptul internațional umanitar reglementează protecția mediului natural în timpul ostilităților, urmărind evoluția normelor convenționale, principiilor cutumiare și cadrului internațional complementar. Sunt examinate obligațiile statelor și ale grupărilor armate nestatale de a preveni, atenua și remedia daunele ecologice, precum și rolul în creștere al dreptului penal internațional și al mecanismelor de restaurare post-conflict. Discuția evidențiază principalele lacune juridice — în special pragurile înalte din Protocolul adițional I și regulile limitate aplicabile conflictelor armate neinternationale — și evaluează evoluțiile recente, precum Proiectul de principii al CDI și Ghidurile actualizate ale CICR. Lucrarea subliniază că protecția mediului reprezintă o parte esențială a protecției populației civile și a drepturilor generațiilor viitoare.

Cuvinte-cheie: drept internațional umanitar; conflict armat; protecția mediului; daune ecologice; Curtea Penală Internațională; grupări armate nestatale; remediere post-conflict; Proiectul de principii; Ghidurile CICR.

Clasificare JEL: K 33; K 32, F 51: F 64

ЦЗУ: 341; 341.3; 349.6.086(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2026.21-1.01>

РЕЗЮМЕ:

**ВЗАИМОДЕЙСТВИЕ ЭКОЛОГИЧЕСКОГО ПРАВА И МЕЖДУНАРОДНОГО
ГУМАНИТАРНОГО ПРАВА В ЗАЩИТЕ ЭКОСИСТЕМ ВО ВРЕМЯ ВООРУЖЁННЫХ
КОНФЛИКТОВ**

Вооружённые конфликты всё чаще вызывают глубокий и долговременный ущерб окружающей среде, усугубляя гуманитарные кризисы и усиливая климатические риски. В статье рассматривается, каким образом международное гуманитарное право регулирует защиту природной среды во время ведения военных действий, прослеживается развитие договорных норм, обычных принципов и взаимодополняющих международных механизмов. Анализируются обязанности государств и негосударственных вооружённых групп по предотвращению, снижению и возмещению экологического ущерба, а также растущая роль международного уголовного права и механизмов восстановления окружающей среды после конфликтов. Особое внимание уделено ключевым пробелам — высоким порогам применения норм Дополнительного протокола I и ограниченности правил для немеждународных конфликтов. Рассматриваются современные инициативы, включая Проект принципов КМП и обновлённые Руководства МККК. В статье подчёркивается, что выполнение превентивных и восстановительных обязательств имеет решающее значение для защиты гражданского населения и обеспечения прав будущих поколений.

Ключевые слова: международное гуманитарное право; вооружённый конфликт; защита окружающей среды; экологический ущерб; Международный уголовный суд; негосударственные вооружённые группы; восстановление после конфликта; Проект принципов; Руководства МККК.

JEL Classification: K 33; K 32, F 51: F 64

УДК: 341; 341.3; 349.6.086(4/9)

<https://doi.org/10.61753/1857-1999/2345-1963/2026.21-1.01>

Introduction

Armed hostilities across the globe have long generated destructive consequences of many kinds — from loss of life and population displacement to deep social disruption and economic instability. These repercussions undermine not only the safety and well-being of communities

but also inflict long-lasting harm on natural systems, accelerating environmental degradation and intensifying existing climate-related risks.

Serious attention to how well international humanitarian law (IHL) protects the environment began to grow after the 1991 Gulf War. During that conflict, Iraqi troops shelled the Khafji oil storage facility, igniting vast reserves of petroleum. The incident triggered one of the largest oil spills in history, with an estimated eleven million barrels of crude released into the waters of the Persian Gulf.¹

Environment protection during armed conflicts has been recognized as an international priority in recent decades. The principle 5 of the World Charter for Nature states that 'Nature shall be secured against degradation caused by warfare or other hostile activities.²

This paper examines how international humanitarian law addresses the safeguarding of the natural environment during armed hostilities. It further analyzes what responsibilities both states and non-state armed groups have in reducing ecological damage, strengthening the resilience of affected populations, and preventing further environmental deterioration. The discussion concludes by assessing how such efforts contribute to protecting future generations from the long-term ecological consequences of war.

The intersection of environmental law and international humanitarian law in protecting ecosystems during warfare

A logical starting point is a review of the primary IHL norms relevant to environmental preservation. While the Geneva Conventions of 12 August 1949 do not expressly outline rules dedicated to the protection of nature during conflict, certain obligations can nevertheless be inferred. Core humanitarian principles—such as the understanding that belligerents do not possess unrestricted freedom in selecting methods and means of warfare, and that military actions must respect proportionality—provide a basis for deriving environmental safeguards even in the absence of explicit provisions.

Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) subsequently set out explicit provisions protecting the environment during armed conflicts.

Article 35 of Additional Protocol I establishes, among other restrictions, a prohibition on the use of warfare methods or means that are designed to, or can reasonably be anticipated to, inflict extensive, long-lasting, and serious harm on the natural environment.³

This provision extends beyond a simple ban on actions that intentionally or accidentally damage ecological systems or indirectly affect human populations. Rather, it affirms the environment as an object of independent protection within international humanitarian law. The norm reflects recognition of the cascading and often cross-border consequences of environmental degradation caused during hostilities, underscoring the inherently transboundary character of such ecological disturbances.

Paragraph 3 of Article 35 includes three cumulative conditions mentioned above that must be met in order to declare a method or means of war unlawful. It is quite challenging to interpret the three adjectives used in Protocol, given that the same words are present in the Convention on the prohibition of military or any hostile use of environmental modification techniques (ENMOD). To mention that the drafters of the ENMOD took every precaution to ensure that the interpretation of the terms "widespread, long-lasting or severe" used in this Convention would not be automatically applied to the Protocol I.

¹ Al-Mebayedh, H., Niu, A., & Lin, C. (2023). Strategies for cost-effective remediation of widespread oil-contaminated soils in Kuwait, an environmental legacy of the first Gulf War. *Journal of Environmental Management*, 344, 118601.

² United Nations General Assembly, World Charter for Nature (UNGA Resolution 37/7, adopted 28 October 1982), principle 5, [On-line:] <https://ejcj.orfaleacenter.ucsb.edu/wp-content/uploads/2018/03/1982.-UN-World-Charter-for-Nature-1982.pdf>, (Accessed 18 November 2025).

³ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art. 35 para. 3.

The tripartite criteria in Article 35(3)—widespread, long-term, and severe—mirror ENMOD terminology but differ in effect. While ENMOD applies these terms disjunctively, Additional Protocol I requires all three conditions to be met, setting a higher threshold for environmental harm during armed conflict. Article 55 reinforces these obligations, reiterating the combined standard and prohibiting reprisals against the environment. Despite their importance, both provisions have faced critique for limited practical applicability, as many harmful operations do not meet all three conditions, and for their focus on international conflicts, leaving potential gaps in non-international armed conflicts.

In response to the limitations of IHL in protecting the environment identified since the 1991 Gulf War, scholars have advocated for reforms to strengthen legal norms. The ENMOD Convention obliges states to refrain from using environmental modification techniques for hostile purposes that cause widespread, long-lasting, or severe effects, and prohibits assisting or encouraging such actions by others. Unlike Protocol I, which restricts environmental harm only during armed conflict, ENMOD applies in both peacetime and wartime. However, Article 3 of ENMOD has been criticized for vagueness, potentially allowing prohibited military uses to be justified as peaceful. Notably, Protocol II of the Geneva Conventions, governing non-international armed conflicts, does not contain comparable provisions for environmental protection.¹

Another relevant development in the international legal framework is the gradual recognition of severe environmental harm as a matter of individual criminal responsibility. Beyond the provisions of Additional Protocol I, the Rome Statute of the International Criminal Court introduced a specific war crime addressing environmental damage. Rather than merely reproducing the standards found in humanitarian treaty law, the Rome Statute frames environmental destruction as a punishable act when it is committed intentionally and in the context of hostilities, provided that the harm is both substantial and clearly disproportionate to the military advantage expected. This formulation reflects a shift toward holding individuals—not only states—accountable for ecologically destructive conduct during warfare.

Importantly, the criminalization of such acts serves a different normative purpose than the obligations contained in humanitarian law treaties. International criminal law operates through secondary rules that sanction violations of pre-existing duties. Consequently, the scope of individual liability under the Rome Statute does not alter the broader preventive obligations that states already bear under customary and treaty-based IHL to avoid unnecessary or excessive environmental damage during armed conflicts. Rather, it provides an enforcement mechanism that complements these obligations by offering a pathway for investigating and prosecuting egregious cases of wartime environmental destruction.²

Nonetheless, the effectiveness of Article 8(2)(b)(iv) remains limited. The ICC's jurisdiction is treaty-based³ and relies heavily on state cooperation, while several major powers are not parties to the Statute, undermining global trust and consistent enforcement.

Customary international humanitarian law (CIHL) also should not be disregarded. It not only facilitates the interpretation of the applicable law, but also leads drafters and policy makers in lawmaking and enforcement of law.⁴ In 2005, the International Committee of the Red Cross (ICRC) prepared a comprehensive study on CIHL customary rules.

Customary international humanitarian law also reinforces environmental protection through several rules that articulate general obligations relevant to wartime conduct. Rule 43 reiterates fundamental humanitarian principles, including distinction, military necessity, humanity, and proportionality, and these principles extend to safeguarding the natural environment insofar as

¹ Jarose, J. (2024). A Sleeping Giant? The ENMOD Convention as a Limit on Intentional Environmental Harm in Armed Conflict and Beyond. *American Journal of International Law*, 118(3), 468-511.

² Pantazopoulos, S. E. (2024). Navigating legal frontiers: Climate change, environmental protection and armed conflict. *International Review of the Red Cross*, 106(925), 366-392.

³ Rome Statute of the International Criminal Court (adopted 17 July 1997, entered into force 1 July 2002) 2187 UNTS 3, art. 13.

⁴ Vincze, V. The Role of Customary Principles of International Humanitarian Law in Environmental Protection. In: *Pecs Journal of International and European Law*, (II), 2017, p. 19-39.

it is regarded as a civilian object. Rule 44 requires parties to select methods and means of warfare with appropriate regard for environmental conservation, emphasizing the need to take all feasible precautions to prevent or reduce unintended ecological harm. Rule 45 goes further by forbidding the use of military tactics or weapons that are intended, or can reasonably be anticipated, to inflict widespread, long-term, and severe environmental damage, and it clarifies that deliberate environmental destruction cannot be treated as a legitimate method of warfare. In addition to these core customary rules, several other legal regimes contribute indirectly to ecological protection in conflict settings, including the Hague Regulations of 1907, the 1980 Protocol on Incendiary Weapons, and global disarmament treaties such as the Chemical Weapons Convention. Taken together, these norms require states to operationalize their obligations through preventive planning before hostilities occur, through the adoption of environmentally responsible conduct during conflict, and through post-conflict restoration measures that address ecological degradation and support accountability for violations.

In 2025, the ICRC published updated its Guidelines on the Protection of the Natural Environment in Armed Conflict¹, which outline relevant IHL rules, including states and other relevant actors' obligations in this matter.

Complementing these guidelines, the Draft Principles on the Protection of the Environment in Relation to Armed Conflicts, adopted by the International Law Commission in 2022,² provide additional normative guidance. These principles emphasize preventive duties, particularly the obligation of states to avoid actions that could generate a risk of environmental harm prior to the onset of hostilities.

Part Two of the Draft Principles specifically addresses pre-conflict environmental protection. It encourages states to implement a range of measures aimed at mitigating ecological risks in potential conflict scenarios, illustrating approaches without limiting their application to specific examples. Among these measures, states are urged to identify and designate environmentally significant areas as protected zones in the event of armed conflict, including sites with recognized cultural or historical value.

States should also include environmental protection provisions in relation to armed conflict in agreements concerning the military forces presence, addressing prevention, mitigation and remediation of environmental harm.

Once hostilities commence, states are required to implement international humanitarian law standards that limit the choice of weapons and tactics in order to prevent significant environmental harm. Operational planning and execution must carefully weigh military objectives against principles such as distinction between combatants and civilians, proportionality of the attack, and the prohibition of actions likely to produce widespread, long-term, or severe ecological damage.

These responsibilities are embedded in treaty law, including key provisions of Additional Protocol I to the Geneva Conventions, as well as in relevant international instruments addressing environmental modification in warfare. In addition, customary IHL, as identified by the International Committee of the Red Cross, obliges parties to ensure that targeting decisions are lawful, feasible precautions are taken to minimize ecological harm, and methods or means of warfare that pose a high risk of environmental destruction are avoided.

Part Three of the Draft Principles focuses on the protection of the natural environment during active armed conflicts, providing guidance on the operational responsibilities of states

¹ International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law, with Commentary, [On-line:] <https://www.icrc.org/en/document/guidelines-protection-natural-environment-armed-conflict-rules-and-recommendations-relating>, (Accessed 18 November 2025).

² International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022) [On-line:] https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf, (Accessed 07 November 2025).

and other parties to hostilities. It emphasizes the application of the law of armed conflict to environmental protection in accordance with fundamental IHL principles, including distinction between military objectives and civilian objects, proportionality in the use of force, and the obligation to take all feasible precautions to minimize incidental damage. The Part explicitly reiterates prohibitions on reprisals and pillage, as well as the ban on employing environmental modification techniques, such as deliberate deforestation, water diversion, or ecologically destructive technologies, that are likely to produce widespread, long-term, or severe environmental effects. Additionally, it underscores the need to identify and safeguard areas of particular environmental significance, including wetlands, forests, and protected habitats, thereby reinforcing and operationalizing existing customary and treaty-based IHL norms. By codifying these obligations, Part Three also highlights the intersection between environmental protection and military planning, requiring parties to integrate ecological considerations into targeting decisions and operational strategies to prevent unnecessary environmental degradation.

The 2025 ICRC Guidelines consolidate and clarify state obligations during armed conflicts, providing a structured overview of existing international humanitarian law without introducing new legal norms. Following the cessation of hostilities, states bear the responsibility to restore damaged ecosystems and to hold accountable those responsible for environmental harm.

Part Four of the International Law Commission's Draft Principles on the Protection of the Environment in Relation to Armed Conflicts focuses on situations of occupation, outlining the environmental obligations of states and other relevant actors in territories under foreign control. It specifies measures for the protection, management, and sustainable use of natural resources during periods of occupation.

Under these principles, states bear the responsibility to ensure that business enterprises operating in occupied territories exercise appropriate due diligence regarding environmental protection. This duty extends to promoting sustainable development practices, including the responsible and environmentally conscious exploitation of natural resources.

The guidelines further emphasize the implementation of concrete environmental protection measures, aimed at preserving ecosystems and minimizing ecological harm in accordance with broader norms of international law and humanitarian law. This section is distinct from the rules governing active hostilities (Part Three) and the post-conflict obligations addressed in Part Five, highlighting the unique legal and practical considerations that arise in occupied territories.

Part Five of the Draft Principles further elaborates these post-conflict duties, emphasizing the need to incorporate environmental restoration into broader peacebuilding processes. States are expected to ensure transparency and access to relevant environmental information, collaborate on post-conflict ecological assessments, and implement remedial measures to mitigate the impact of warfare.

In addition, states have an obligation to provide reparation and compensation for environmental damage, which may include establishing dedicated compensation funds or other forms of relief. They must also take measures to safely remove or neutralize hazardous remnants of war, including toxic substances and unexploded ordnance, both on land and at sea, to prevent ongoing or future risks to ecosystems and human health.

Environmental harm often has lasting or irreversible effects, making reparation a key aspect of state responsibility. Restoring or maintaining ecosystems requires significant investment in technical resources and expertise to ensure their functional viability. However, pursuing environmental claims is inherently challenging, as it demands rigorous evidence demonstrating both the existence and magnitude of the damage and a clear causal link to the alleged unlawful act. Frequently, such claims fail due to insufficient baseline data and the difficulty of attributing specific environmental degradation to particular actions.

For instance, in *Pulp Mills on the River Uruguay* (Argentina v. Uruguay), Argentina challenged Uruguay's approval of pulp mill construction along the Uruguay River, arguing that the mills would degrade water quality and damage shared ecosystems. The ICJ found that Uruguay had breached procedural obligations by failing to notify and consult through the joint

river commission (CARU), but it did not find conclusive evidence of substantive environmental harm.¹ The Court notably recognized that an environmental impact assessment constitutes a duty under general international law and stressed that due diligence must guide decisions on industrial technology in order to prevent pollution.²

Another illustrative case is the Gabčíkovo-Nagymaros Project (Hungary/Slovakia), in which Hungary suspended a dam-building project on the Danube due to serious environmental concerns. The Court held that both Parties should renegotiate in good faith, taking into account environmental law developments; it specifically recommended that they “look afresh at the effects on the environment … and find a satisfactory solution … for the volume of water to be released … into the side-arms of the river.”³

More recently, in its advisory opinion on climate change (July 2025), the ICJ articulated binding obligations of states grounded in treaty law, customary international law, and general legal principles. The Court affirmed that states must cooperate in good faith, apply due diligence to prevent significant transboundary harm, and adopt precautionary measures to reduce greenhouse gas emissions.⁴ It also confirmed the obligation to protect the climate system as a shared global resource and interpreted transboundary environmental harm as a well-established principle of international law.⁵

A notable precedent in effective state damage reparation is the United Nations Compensations Commission created as a subsidiary United Nations Security Council organ to process claims and pay compensations for damage suffered as a result of Iraq’s invasion and occupation of Kuwait and ended its mandate in 2022.

A relevant precedent is the Eritrea–Ethiopia Claims Commission, established under the Algiers Agreement of 12 December 2000, which ended the 1998–2000 conflict between Eritrea and Ethiopia. The Commission was empowered to arbitrate “all claims for loss, damage or injury … resulting from violations of international humanitarian law.” Among its claims, Ethiopia sought over US \$1 billion for environmental damage, including loss of gum-arabic plants, trees, and wildlife. Ultimately, however, the Commission rejected many of these environmental claims due to insufficient evidence. In 2009, the Commission issued its final awards: Ethiopia received ~US \$174 million, and Eritrea ~US \$161 million.⁶

An important example of systematic state reparation for environmental and other damages is provided by the United Nations Compensation Commission, established as a subsidiary organ of the UN Security Council to process claims arising from Iraq’s invasion and occupation of Kuwait. The Commission functioned to evaluate claims and disburse compensation for losses incurred and completed its mandate in 2022, representing a unique model of post-conflict accountability and reparations.

While international humanitarian law primarily imposes obligations on states, non-state armed groups (NSAG) are also required to avoid tactics that cause environmental degradation,

¹ Pulp Mills on the River Uruguay (Argentina v. Uruguay) — ICJ Judgment, breach of procedural obligations. [On-line:] <https://www.icj-cij.org/node/101867>, (Accessed 18 November 2025).

² ICJ recognized environmental impact assessment as a duty and due diligence in Pulp Mills. [On-line:] <https://www.asil.org/insights/volume/14/issue/9/pulp-mills-river-uruguay-international-court-justice-recognizes>, (Accessed 18 November 2025).

³ Gabčíkovo Nagymaros Project (Hungary/Slovakia) — ICJ Judgment on environmental and treaty obligations. [On-line:] <https://www.icj-cij.org/node/101335>, (Accessed 18 November 2025).

⁴ ICJ Advisory Opinion on Climate Change, July 2025 — duty to prevent transboundary harm, cooperative and precautionary obligations. [On-line:] <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-change>, (Accessed 18 November 2025).

⁵ On customary duty to prevent? The Court affirmed a generalized due diligence obligation to avoid significant environmental harm. [On-line:] <https://blogs.law.columbia.edu/climatechange/2025/08/17/when-customary-binds-all-states-reflections-on-customary-international-law-in-the-icj-climate-advisory-opinion>, (Accessed 18 November 2025).

⁶ Eritrea–Ethiopia Claims Commission Awards Final Damages. [On-line:] <https://opiniojuris.org/2009/08/19/eritrea-ethiopia-claims-commission-awards-final-damages>, (Accessed 18 November 2025).

to protect civilian populations, and to cooperate with mechanisms aimed at accountability and mitigation of ecological harm. NSAG obligations derive from Article 3 common to the Geneva Conventions¹ and, where applicable, from Additional Protocol II, as well as from customary international humanitarian law applicable to non-international armed conflicts.

In operational terms, NSAG must refrain from employing methods or weapons that are likely to produce widespread, long-term, or severe environmental damage, consistent with the principles of distinction, proportionality, and precaution under IHL. Prior to initiating an attack, they are required to take all feasible measures to verify that a targeted portion of the natural environment constitutes a legitimate military objective and to assess whether striking a lawful target could result in excessive incidental harm to the surrounding environment.

Non-state armed groups have also incorporated ecological considerations into their internal codes of conduct. For example, the Kurdistan Workers' Party (PKK), in its 2011 Rules for the Conduct of War, prohibits the intentional destruction of forests and bans the use of incendiary or incendiary-like weapons—such as napalm or phosphorus—that would severely disrupt ecological balance.² Similarly, the Ogaden National Liberation Front (ONLF) has committed itself in its doctrine to resisting any initiatives that “negatively impact our environment,” framing environmental stewardship as a national duty for future generations.³ In the case of the Sudan People’s Liberation Movement/Army (SPLM/A), a 1991 resolution mandates the protection and sustainable development of wildlife resources “for us and for posterity,” thereby embedding the principle of intergenerational equity.⁴

Beyond limiting direct environmental damage, NSAG are also expected to preserve evidence, facilitate environmental assessments, and cooperate with investigative mechanisms, thereby supporting accountability and discouraging future ecological harm. In some contexts, armed group activities may inadvertently reduce environmental pressures—for example, by restricting access to forests by state forces, settlers, or extractive industries. The Revolutionary Armed Forces of Colombia (FARC) institutionalized mechanisms for regulating land use, controlling cultivation, and limiting environmentally destructive practices such as crude oil exploitation and fishery with explosives.⁵

Post-conflict environmental protection requires a comprehensive approach that integrates long-term remediation, enforcement of liability for ecological damage, and sustainable recovery strategies. These measures aim to mitigate enduring ecological impacts and ensure that ecosystems are preserved for the benefit of future generations. Although international humanitarian law does not explicitly articulate obligations concerning intergenerational environmental protection, such duties can be inferred from existing IHL norms and complementary international legal instruments.

The preamble of the Draft Principles emphasizes the critical importance of safeguarding the environment for current and future generations. While the Principles themselves are not legally binding, they carry significant normative weight and serve as a persuasive appeal to states to integrate ecological considerations into their policies. A parallel position was advanced by the Second World Conservation Congress of the International Union for Conservation of Nature, which urged UN member states to adopt a Martens-type clause for environmental protection,

¹ Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135, art. 3.

² PKK Rules for the Conduct of War: forests must not be destroyed; use of napalm, lava, phosphorus, or weapons that create ecological destruction is prohibited. [On-line:] <https://international-review.icrc.org/articles/greener-insurgencies-engaging-nsags-to-protect-environment-during-niacs-914>, (Accessed 18 November 2025).

³ Ibid

⁴ SPLM/A 1991 resolution: “shall do everything to ... protect and develop [our wildlife resources] ... for posterity.” [On-line:] <https://documents.un.org/doc/undoc/gen/n19/053/19/pdf/n1905319.pdf>, (Accessed 18 November 2025).

⁵ Danish Institute for International Studies, ‘How Non-State Armed Groups Engage in Environmental Protection’ (DIIS, 2023), [On-line:] <https://www.diis.dk/en/research/how-non-state-armed-groups-engage-in-environmental-protection>, (Accessed 18 November 2025).

thereby acknowledging humanity's enduring responsibility as stewards of the natural world for successive generations.¹

Conclusion

The protection of the natural environment during armed conflict has evolved into a clear expectation of the international legal order, even if significant normative and practical gaps remain. Contemporary IHL, supported by complementary regimes and emerging jurisprudence, recognizes that warfare cannot be conducted without regard for ecological integrity or the long-term well-being of affected populations. Although existing treaty rules often set high thresholds and lack comprehensive coverage—especially in non-international conflicts—their underlying principles have catalyzed broader duties of prevention, accountability, and restoration. Growing state practice, the work of international bodies, and even commitments by some non-state armed groups demonstrate that environmental safeguards are becoming an integrated element of responsible conduct in war. Ensuring their consistent application is essential not only for limiting immediate harm, but also for preserving the ecological conditions on which future generations depend.

List of used sources:

1. Al-Mebayedh, H., Niu, A., & Lin, C. (2023). Strategies for cost-effective remediation of widespread oil-contaminated soils in Kuwait, an environmental legacy of the first Gulf War. *Journal of Environmental Management*, 344, 118601.
2. Danish Institute for International Studies, 'How Non-State Armed Groups Engage in Environmental Protection' (DIIS, 2023), [On-line:] <https://www.diis.dk/en/research/how-non-state-armed-groups-engage-in-environmental-protection>, (Accessed 18 November 2025).
3. Eritrea-Ethiopia Claims Commission Awards Final Damages. [On-line:] <https://opiniojuris.org/2009/08/19/eritrea-ethiopia-claims-commission-awards-final-damages>, (Accessed 18 November 2025).
4. Gabčíkovo Nagymaros Project (Hungary/Slovakia) — ICJ Judgment on environmental and treaty obligations. [On-line:] <https://www.icj-cij.org/node/101335>, (Accessed 18 November 2025).
5. Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135, art. 3.
6. ICJ Advisory Opinion on Climate Change, July 2025 — duty to prevent transboundary harm, cooperative and precautionary obligations. [On-line:] <https://www.iisd.org/articles/deep-dive/icj-advisory-opinion-climate-change>, (Accessed 18 November 2025).
7. ICJ recognized environmental impact assessment as a duty and due diligence in Pulp Mills. [On-line:] <https://www.asil.org/insights/volume/14/issue/9/pulp-mills-river-uruguay-international-court-justice-recognizes>, (Accessed 18 November 2025).
8. International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law, with Commentary, [On-line:] <https://www.icrc.org/en/document/guidelines-protection-natural-environment-armed-conflict-rules-and-recommendations-relating>, (Accessed 18 November 2025).
9. International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022) [On-line:] https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf, (Accessed 18 November 2025).
10. International Union for Conservation of Nature, Second World Conservation Congress (Amman, 4-11 October 2000), Recommendation 2.97 A Marten's Clause for environmental protection, [On-line:]

¹ International Union for Conservation of Nature, Second World Conservation Congress (Amman, 4-11 October 2000), Recommendation 2.97 A Marten's Clause for environmental protection, [On-line:] https://www.icrc.org/sites/default/files/document_new/file_list/guidelines_on_the_protection_of_the_natural_environment_in_armed_conflict_advance-copy.pdf, accessed 10 November 2025.

https://www.icrc.org/sites/default/files/document_new/file_list/guidelines_on_the_protection_of_the_natural_environment_in_armed_conflict_advance-copy.pdf, (Accessed 18 November 2025).

11. Jarose, J. (2024). A Sleeping Giant? The ENMOD Convention as a Limit on Intentional Environmental Harm in Armed Conflict and Beyond. *American Journal of International Law*, 118(3), 468-511.

12. On customary duty to prevent? The Court affirmed a generalized due diligence obligation to avoid significant environmental harm. [On-line:]

<https://blogs.law.columbia.edu/climatechange/2025/08/17/when-custom-binds-all-states-reflections-on-customary-international-law-in-the-icj-climate-advisory-opinion>, (Accessed 18 November 2025).

13. Pantazopoulos, S. E. (2024). Navigating legal frontiers: Climate change, environmental protection and armed conflict. *International Review of the Red Cross*, 106(925), 366-392.

14. PKK Rules for the Conduct of War: forests must not be destroyed; use of napalm, lava, phosphorus, or weapons that create ecological destruction is prohibited. [On-line:] <https://international-review.icrc.org/articles/greener-insurgencies-engaging-nsags-to-protect-environment-during-niacs-914>, (Accessed 18 November 2025).

15. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art. 35 para. 3.

16. Pulp Mills on the River Uruguay (Argentina v. Uruguay) — ICJ Judgment, breach of procedural obligations. [On-line:] <https://www.icj-cij.org/node/101867>, (Accessed 18 November 2025).

17. Rome Statute of the International Criminal Court (adopted 17 July 1997, entered into force 1 July 2002) 2187 UNTS 3, art. 13.

18. SPLM/A 1991 resolution: “shall do everything to ... protect and develop [our wildlife resources] ... for posterity.” [On-line:]

<https://documents.un.org/doc/undoc/gen/n19/053/19/pdf/n1905319.pdf>, (Accessed 18 November 2025)..

19. United Nations General Assembly, World Charter for Nature (UNGA Resolution 37/7, adopted 28 October 1982), principle 5, [On-line:] <https://ejcj.orfaleacenter.ucsb.edu/wp-content/uploads/2018/03/1982.-UN-World-Charter-for-Nature-1982.pdf>, (Accessed 18 November 2025).

20. Vincze, V. The Role of Customary Principles of International Humanitarian Law in Environmental Protection. In: *Pecs Journal of International and European Law*, (II), 2017, p. 19-39.

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<https://doi.org/10.61753/1857-1999/2345-1963/2026.21-1.01>