NAVIGATING LEGAL FRONTIERS: CLIMATE CHANGE, ENVIRONMENTAL PROTECTION AND ARMED CONFLICT

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Abstract

Climate change is not a direct course of armed conflict, but it can exacerbate existing tensions and vulnerabilities, potentially increasing the risk of conflict. In the last few years, the issue of climate change has increasingly being the topic of policy debate. The relationship between armed conflict, the environment and climate change is intricate and challenging to define while International Humanitarian Law includes some environmental protections, it did not anticipate the connection to climate change. Climate change can act as a risk multiplier, intensifying negative socio-economic impact and conflict related environmental damage may contribute to climate change. However, the focus has been mostly on climate risks and environmental degradation as drivers of conflict. Building on the operational experience of International Committee of the Red Cross, this article provides a more nuanced perspective on the legal frontiers of armed conflict, climate change and environmental protection. This article also reflect on the a legal framework for International Humanitarian Law and Environmental Protection, classifying the scope of application of the United Nations Climate Change Regime, why the UN Climate Change Regime is applicable to belligerent occupations, the UN Climate Change Regime and the laws in force in the occupied territory, the extraterritorial application of the UN belligerent occupations, the principle of legal stability and continuity of treaties and the UN Climate Change Regime, the holistic application of International Humanitarian Law, International Human Rights Law and the UN Climate Change Regime during belligerent occupations and made some recommendations as regards to climate change, environmental protection and armed conflict.

Keywords: *Climate change, environmental protection, armed conflict, belligerent occupation and extraterritorial*

1.0. Introduction

The emission of greenhouse gases (GHGs) into the atmosphere by human activities has decisively caused a rise in the Earth's temperature, a phenomenon known as anthropogenic climate change[2]. Due to the serious threat that climate change represents for the planet and the survival of living entities, states have decided to coordinate their action to stabilize and reduce the emission of GHGs by adopting the 1992 United Nations Framework Convention on Climate Change (UNFCCC)[3], the 1997 kyoto Protocol[4] and the 2015 Paris Agreement,[5] the Ozone Treaties: Vienna Convention and Montreal Protocol[6], Convention on Biological Diversity (including the Nagoya and Cartagena Protocols[7] collectively referred to herein as the UN Climate Change Regime)[8].

Despite Climate Change having a usual macro scope and requiring a highly intense permanent and long-term international cooperation, the treaties regulating this subject matter have a common feature: they are silent about their application during armed conflicts[9]. This legal gap may give rise to uncertainties as to whether States parties must respect the UN Climate Change Regime during armed

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[2]The Inter-Government Panel on Climate Change (IPCC) created by the United Nations Environment Program (UNEP) and the World Meteorological Organization, confirmed that the global average temperature has been increasing since the mid-20th century and that anthropogenic GHG emissions has been the dominant issue.

[3]United Nations Convention on Climate Change, 1771 UNTS 107, 9 May 1992.

[4]Kyoto Protocol to the United Nations Framework Convention on Climate Change, 2303 UNTS 162, 11 December, 1977.

[5]Paris Agreement, 316 UNTS 107, 12 December 2015.

[6]Montreal Protocol was adopted on 16th September 1987.

[7]Cartagena Protocol was signed into law on 29th January, 2000.

[8]UN Climate Change Regime was signed between 4th – 14th June, 1992.

[9]United Nations Framework Convention on Climate Change, 1992.

conflicts and if so, how the rules and principles of International Humanitarian Law applies during climate change in an era marked by global environmental degradation, climate change and persistent armed conflicts, the intersection if these issues presents profound legal and ethical challenge[10]. Armed conflict exacerbates environmental destruction, while climate change increases resource scarcity and heightens the risk of conflict. The legal frameworks governing these overlap domains are evolving but remain insufficiently integrated.
This article explores the interplay between climate conflict, and assesses how international legal norms can better address the converging crisis.

2.0. A Legal Framework for International Humanitarian Law and Environmental Protection:

International Humanitarian Law is a set of rules which seek for humanitarian reasons, to limit the effect of armed conflicts. It protects persons who are not or are no longer participating in the hostilities and restricts the means and methods of warfare, this body of law is also referred to as the "Law of Armed Conflict" or the "Law of War"[11].

International Humanitarian Law could also be defined as part of international law which is established by treaty or custom, which are specifically intended to resolve humanitarian problems that arise directly from international or non-international armed conflicts.[12] It is, as well, that law which is inspired by a feeling for humanity and it is centered on the protection of the individual in time of war[13]. It is focused on protecting those who are already experiencing harm from armed conflict, rather than on the prevention of conflict.

International Humanitarian Law has developed to address the humanitarian consequences of armed conflict[15] However, with the increasing impact of climate changes and environmental degradation, there is growing recognition that International Humanitarian Law needs to better account for environmental protection in conflict zones.[16] Armed conflict harms the environment in many ways. Before conflict even begins, building, training, and sustaining Military forces creates emissions, disrupts landscapes and terrestrial and marine habitats, and creates chemical and noise pollution from the use of weapons, aircrafts and vehicles.[17] In fact, the largest military emit more CO_2 than many of the world's countries combined. During conflict itself, the environmental impact can vary greatly based on duration, location, means, and intensity of warfare. For instance, high-intensity conflicts often require larger-scale vehicle movements which need vast amount of fuel and can cause widespread damage to sensitive landscapes and geodiversity. The use of explosives can do the same and if used in urban areas, they can cause air and soil pollution from debris and rubbles. Scorched earth techniques, including attacks on agricultural, individual, oil or energy infrastructure can also contribute to pollution.[18] These examples are just some of the many of the ways armed conflict can exacerbate climate change and contribute to the degradation of the natural environment. International Humanitarian Law has had to evolve to react to the consequences and the threat of climate change and will continue to do so in the future as adverse impacts become more pronounced[19].

[10]Okorie H; International Humanitarian Law: Law of Armed Conflict (Princeton & Associates Publishing Co. Ltd, 2021) 1
[11]Ibid
[12]Ibid
[13]Ibid
[14]Ibid
[15]Alexander A "A short history of International Humanitarian Law" (2015) 26 (1), European Journal of International Humanitarian Law, 111
[16]Nwotite A, "Integrating Climate Change Adaptation into International Humanitarian Law: Addressing Environmental Impact in Conflict Zones", Nnamdi Azikiwe University, Awka, Journal of Private and Public Law, Vol. 2 (1) April, 2025 p. 224.
[17]Op cit
[18]Ibid
[19]Ibid

Additional protocol I to the General Conventions,[20] contains several provisions designed to protect the environment during armed conflict. For example, means of warfare that would cause widespread, long-term, and several damage to the natural environment is prohibited.[21] This reflects the growing recognition that environmental harm caused by armed conflict has long-lasting consequences, affecting not just the immediate battlefield, but the post-conflict recovery of affected populations.[22] Similarly, parties to a conflict should take precaution to avoid the widespread destruction of the environment.[23]

Articles 55 of the Additional Protocol I further underscore the need for precautionary measures to protect the environment, stating that:
"Care shall be taken in warfare to protect the natural environment and to avoid damage that may have widespread, long-term and severe effects".

These protections, while significant, do not fully address the long-term environmental effects of climate change, especially when conflict exacerbates pre-existing environment degradation.[24]
Articles 35 (3) of Additional Protocol I of 1977 provides, thus:
"It is prohibited to employ methods or means of warfare which are intended or may be expected to cause widespread, long-term and severe damage to the natural environments".
Thus, the provision explicitly prohibits the use of weapons or methods of warfare that result in widespread, long-term, and severe damage to the natural environment, establishing an international norm that seeks to minimize environmental harm during warfare.
The provisions in Additional Protocol I serve as a foundation for environmental protection in wartime, though their application remains limited. For instance, the provisions apply during International Armed Conflicts but may address the cumulative and long-term consequences of climate change induced by prolonged conflicts. While this provision was landmark in International Humanitarian Law, it means limited in its applicability to modern conflicts, where environmental destruction is often indirect and cumulative, exacerbated by climate change.[25] These gaps in law can leave the environment vulnerable, especially in the context of climate change.[26]
Article 8(2)(b)(iv) Rome Statute[27] provides, thus;
"Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilians objects or widespread, long-term, and severe damage to the natural environmental which would be clearly excessive in relation to the concrete and direct overall Military advantage anticipated".
Also, Article 1 ENMOD Convention, 1976[28] provides, thus:
States parties undertake not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to another state party.

In the case of **United States v. Canada[29] (The Trail Smelter Case)**
There was an Air pollution from a Canadian smelter which damaged property in the US.
The court held that the case established the transboundary harm principle. Which is to the effect that a State is responsible for environmental harm caused to another State.
While not an International Humanitarian Law case, it laid foundational environmental responsibility principles relevant in armed conflict situations.

[20] Additional Protocol I of 1977
[21] Additional Protocol I of 1977, Art. 35 (3)
[22] Sands P, Principles of International Environmental Law (Cambridge: Cambridge University Press, 2004), 320 - 322
[23] Additional Protocol I of 1977, Art. 55
[24] Borrero M, Environmental Protection in International Law: The Role of International Humanitarian Law (Oxford: Oxford University Press, 2010) 110 - 115
[25] Ibid
[26] Ibid
[27] Rome Statute of the International Criminal Court, 1998
[28] Convention on the Prohibition of Military or any other Hostile use of Environmental Modification Techniques
[29] (1938/1941)

In the **ICJ Advisory Opinion on Nuclear Weapons**[30]
The court was asked whether the use or threat of nuclear weapons is lawful.
The Court acknowledged that environmental considerations are part of International Humanitarian Law and held that it must be taken into account in warfare. The environment is not an "abstract" concept but part of the context for proportionality and necessity.
This case reinforced the principle that environmental destruction must be avoided unless absolutely required by military necessity.

In the case of **Iraq War and Gulf War Oil Fires**[31]
Iraq deliberately set fire to over 700 Kuwaiti oil wells.
The UN Compensation Commission (UNCC) awarded damages for environmental harm. The Commission recognized environmental damage as compensable under international law.

In the case of Bosnia and Herzegovina v. Serbia and Montenegro[32]
Though this case focused on genocide, the Court emphasized that all obligations under International Humanitarian Law are binding even amid hostilities. Environmental consequences can be part of a broader humanitarian violation.
Some of the International Humanitarian Law legislations on the protection of the environment are:

a. **ICRC Guidelines on the Protection of the Natural Environment in Armed Conflict:**

The International Committee of the Red Cross (ICRC) has published guidelines on the Protection of the Natural Environment in Armed Conflict, with rules and recommendations to protect the environment under International Humanitarian Law. These new guidelines were based on the 1994 guidelines for Military Manuals and Instructions on the Protection of the Environment in times of Armed Conflict and were updated in 2020 to reflect new development in treaty law and customary International Humanitarian Law.[33] The ICRC guidelines "seek to bridge the gap between the reality of current conflicts and the narrow focus of the existing treaty rules specifically addressing conflict related environmental harm by collecting existing international humanitarian law rules of relevance".[34]
There are four parts of the 2020 guidelines; they are:

i. Specific Protection of the Natural Environment under International Humanitarian Law
ii. General Protection of the Natural Environment under International Humanitarian Law.
iii. Protection of the Natural Environment afforded by rules on specific weapons and lastly,
iv. Respect for, implementation and dissemination of International Humanitarian Law rules protecting the natural environment.

b. **ILC Draft Principles on Protection of the Environment in Relation to Armed Conflicts.**

Like the ICRC updated Guidelines, the ILC Principles on Protection of the Environment in Relation to Armed Conflicts **(**PERAC Draft Principles),[35] aim to encourage environmental considerations during times of conflict. However, these draft principles have a broader, more comprehensive scope, and "extend the analysis to measures to be taken before an armed conflict breaks out, and to post-conflict situations"[36] For example, Principle 26 refers to remnants of war and is one of the rules in Part

[30](1996)
[31](1990-1991)
[32](Genocide Case, ICJ 2007)
[33]Borrero M, Environmental Protection in International Law, Op Cit.
[34]Ibid
[35]Adopted in May 2022
[36]Lehto M, Overcoming the Disconnect: Environmental Protection and Armed Conflicts (Humanitarian Law) and the policy blog 2021) 55.

Five, "Principles applicable after armed conflict." It states, "Parties to an armed conflict shall seek, as soon as possible, to remove or render harmless toxins or other hazardous remnants of war under their jurisdiction or control that are causing or risk causing damage to the environment"[37]. Draft Principle 22 of Part Five discusses peace processes, and argues that parties to an armed conflict should address "the restoration and protection of the environment damaged as a result of the conflict" in peace agreements.[38] The principles in Part Three, "Principles applicable during armed conflict," share some overlap with the ICRC updated Guidelines, including the aforementioned principle of proportionality, which is covered in Principle 14.

The Draft Principles also take a "holistic approach," and draw from diverse bodies of existing law and treaty agreements such as International Environmental Law (IEL), Human Rights Law, Arms Control, and Business and Human Rights Obligations[39] Part Two, "Principles of general application" includes draft principles ranging from the topic of indigenous rights[40] to due diligence by business enterprises[41]. For instance, Draft Principle 11 covers the liability of business enterprises and asserts that "states should take appropriate measures aimed at ensuring that business enterprises can be held liable for harm caused by them to the environment, including in relation to human health, in an area affected by an armed conflict"[42]. Overall, the principles of Part Two broaden the scope of PERAC to cover issues of human rights and international business, whereas the 2020 Guidelines draw mostly on International Humanitarian Law alone. In addition, these PERAC Draft Principles, addressed to both state and non-state actors, are meant to be applied in both International Armed Conflicts and Non-International Armed Conflicts (e.g. civil wars)[43]. However, though these two types of conflict are not distinguished in the wording of the Draft Principles themselves, the differentiation is made in the commentaries, which are meant to be read together with the Principles (Pantazopoulos, 2022). Though there are some differences between the ICRC Guidelines and the ILC Draft Principles, namely the more extensive and wide-ranging nature of the Principles, these two initiatives represent a positive new direction for the future of International Humanitarian Law.[44]

3.0. **Classifying the Scope of Application of the UN Climate Change Regime**

The UN General Assembly has recognized that climate change is a common concern of humanity, since climate is an essential condition which sustains life on Earth.[45] The serious threat that climate change represents for the planet and living entities has mobilized international public opinion and has brought the issue to the attention of the whole world. In this regard, it has been said that climate change is a "civilizational wake-up call... telling us we need to evolve", and that we are "the last generation that can do something about it". It has also been considered to be "the defining issue of our times", and one that "presents a golden opportunity to promote prosperity, security and a brighter future that it is "an environmental, cultural and political phenomenon which is reshaping the way we think about ourselves, about our societies and about humanity's place on Earth".[46]

Due to the global character, complexity and scientific uncertainties of climate change, from a legal perspective it was necessary to adopt a flexible international regime that would be easily adapted to the fluctuations of the phenomenon and the advances of science. The UN climate change regime

[37]ILC Draft Principles on Protection of the Environment in Relation to Armed Conflicts 2022, p. 5
[38]Ibid
[39]Ibid
[40]Ibid, Draft Principle 5
[41]Ibid, Draft Principle 10
[42]Ibid p. 3
[43]Ibid
[44]Doctor C, "A Destabilized World: The effects of Climate Change on Armed Conflict and International Humanitarian Law" (2022) Independent Study Project (ISP) Collection 3528 < https://digitalcollections.sit.edu/isp-collection/3528 accessed on 2/6/2025.
[45]UNGA Res. 43/53, 6 December 1988.
[46]Pezzot, R. E, International Humanitarian Law in the era of Climate Change: The Application of the UN Climate Change Regime to Belligerent Occupation (IRRC No. 923, June 2023) 4.

follows the framework convention-protocol approach, in which the United Nations Framework Convention on Climate Change (UNFCCC) establishes the legal structure for addressing climate change (objectives, principles and institutional architecture) and the protocols specify the concrete action that should be taken to achieve the objectives. For that reason, the UNFCCC is considered a living instrument as it is capable of evolving and responding to the scientific realities of climate change, through the conclusion of complementary treaties.[47]

In this sense, the complementarity between the UNFCCC and the Paris Agreement can also be observed in their objectives. Article 1[48] states that the ultimate objective of the Convention and future protocols - the long-term global goal - is to achieve the stabilization of GHG concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. That level is specified in Article 2 of the Paris Agreement[49] which provides that the increase in the global average temperature must be held to well below 2°C above pre-industrial levels, and parties must make efforts towards limiting the temperature increase to 1.5°C above pre-industrial levels.[50]

As mentioned before, the final provisions of both legal instruments are silent about their application during armed conflicts.
In the case of the Paris Agreement, it was explains that the Durban Mandate[51] outlined several topics which were to become part of the work of the working group for drafting the new agreement, but the institutional provisions and final clauses were not explicitly mentioned in that mandate, and negotiations about them started later.
The ILC's Draft Principles on the Protection of the Environment in Relation to Armed Conflicts (ILC Draft Principles) are a necessary starting point for elucidating the scope of application of the UN Climate Change Regime.

The Draft Principles are applicable before, during and after an armed conflict, including in situations of occupation.[52] This proposed rule is coherent with the content of Draft Principle 19 on the "General Environmental Obligations of an Occupying Power", which also specifies that an Occupying Power shall take environmental considerations into account in the administration of a territory. In the Commentaries, the ILC clarifies that the phrase "applicable international law" in Draft Principles 13 and 19 refers to the law of armed conflict, but also to International Environmental Law and International Human Right Law. As for the application of International Environmental Law in situations of armed conflict, the ILC considers that the claim that customary and conventional International Environmental Law continue to apply during such situations can be supported by the interpretation provided by the International Court of Justice (ICJ) in its Advisory Opinion on the Legality of the Threat or Use of Nuclear Weapons,[53] and by the ILC Draft Articles on the Effects of Armed Conflicts on Treaties.[54]

Regarding the Nuclear Weapons Advisory Opinion, on that occasion, the ICJ made an important authoritative statement on International Environmental Obligations and the interests of future generations. Nevertheless, it also observed that it could not "reach a definitive conclusion as to the legality or illegality of the use of nuclear weapons by a State in an extreme circumstance of self-defence, in which its very survival would be at stake". The Advisory Opinion thus illustrates how in

[47] Ibid
[48] United Nations Framework Convention on Climate Change
[49] The Paris Agreement is a landmark international treaty on climate change adopted under the United Nations Framework Convention on Climate Change. It was signed on December 12, 2015 in Paris and entered into force on November 4, 2016.
[50] International Humanitarian Law in the era of Climate Change, Op cit
[51] Durban Mandate was established at the 17th Conference of the Parties, in 2011
[52] Draft Principle 1, also Draft Principle 13
[53] Nuclear Weapons Advisory Opinion
[54] International Humanitarian Law in the Era of Climate Change, Op cit, p. 3

that moment, the protection of the environment was marginalized to favour sovereign security interests despite the evident and proven environmental destructiveness of nuclear weapons.[55]

Therefore, this historic and international legal precedent raises the question of whether the seriousness of the global climate change problem is itself enough to presume or take for granted the application of the UN climate change regime during armed conflicts. The answer is negative. Thus, due to the interests at stake, and with the aim of avoiding States party to the regime excusing themselves from complying with it during armed conflicts due to national security reasons and of avoiding possible similar legal results before domestic or international courts, more legal arguments should be developed to support ILC Draft Principles 13 and 19 regarding the application of the UN climate change regime to belligerent occupations, so that States' security interests are not privileged over the protection of the environment and the civilian population. While they are an authoritative legal instrument, the ILC Draft Principles are *per se* a soft-law[56] instrument and are therefore not in force.[57]
In this regard, one should be mindful of the fact that in general any armed conflict that threatens the security of belligerent parties and that the "carbon bootprint"[58] of the concerned States, or their GHG emissions, usually skyrockets during armed conflicts.

Determine whether the UN climate change regime is applicable regardless of the factual context (peace or war), with the aim of avoiding States invoking national security interests to argue that the regime is only applicable during peacetime.[59] This legal determination is particularly important in the case of belligerent occupations because, as clearly pointed out, occupation law's prescriptions are frequently interpreted by the Occupying Power in a self-serving manner in order to reduce constraints on their discretionary powers.[60] Finally, it is worth mentioning that even if nowadays belligerent occupations are few in number compared with the number of International and Non-International Armed Conflicts taking place,[61] GHG emissions from occupied territories have an impact on Earth's Climate System, and Climate Change could also negatively affect those territories and their civilian populations. Thus, the scarcity of occupied territories in the world should not be used as an excuse for failing to apply the UN Climate Change Regime in such territories. Just as the sparrow says to the knight in Cassese's tale, "one does what one can", so too do all States Parties share a common responsibility to address Global Climate Change in all circumstances, including situations of occupation.

4.0. The UN Climate Change Regime and Its Applicability to Belligerent Occupations

Principles 23 and 24 of the 1992 Rio Declaration on Environment and Development,[62] operate as a "legal umbrella" that guides the conduct of States on the protection of the environment during Armed Conflicts. Based on the general principle of *pacta sunt servanda* (Article 26 of the Vienna Convention on the Law of Treaties (VCLT)[63], the unanimously adopted Principle 24 asserts the application of all

[55]Ibid

[56]Soft Law consists of Guidelines, Declarations, Principles, Codes of Conducts or Political commitment that may shape or clarify legal norms but lack binding Legal Status e.g The Turku Declaration, 1990, ICRC Interpretive Guidance on Direct Participation in Hostilities, 2009, UN General Assembly Resolutions, Code of Conduct for Law Enforcement Officials, 1979

[57]Op cit.

[58]The expression "Carbon bootprint" has been used by NGOs advocating for increasing awareness and understanding of the Environmental and derived Humanitarian consequences of conflicts and Military activities, and transparency from the Military sector when reporting its GHG emissions.

[59]As they did before the ICJ when they argued that the principle purpose of Environmental Treaties and Norms was the protection of the environment in times of peace.

[60]Spoerri P "The Law of Occupation" , in Andrew Clapham and Paola Gaeta (eds), The Oxford Hand Book of International Law in Armed Conflict (Oxford, Oxford University Press, 2015) 192.

[61]Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26 (Vol.1), 12th August, 1992

[62]Rio Declaration on Environment and Development, UN Doc.A/CONF.151/26 (Vol. 1), 12th August 1992. Vienna Convention on the Law of Treaties, 1155 UNTS 331, 23 May, 1969 (entered into force 27 January 1980).

[63]Vienna Convention on the Law of Treaties, 1155 UNTS 331, 23 May, 1969 (entered into force 27 January 1980).

those relevant international rules - conventional, customary and general principles of law - that provide protection to the environment reaffirms the protection against environmental risks faced by people under oppression, domination and occupation.

The UN Climate Change Regime, as established by the UNFCCC and the Paris Agreement, generally applies to all nations and not solely during peacetime. During belligerent occupations, the Occupying Power has specific obligations to protect the civilian population from harm, including the adverse effects of climate change. This application is supported by the connection between the UN climate change regime and International Human Rights Law (IHRL), which requires the Occupying Power to respect and guarantee the rights of the civilian population.

5.0. The UN Climate Change Regime and the Laws in Force in the Occupied Territory

As a branch of International Humanitarian Law, the law of occupation tries to find a balance between the interests of the Occupying Power, the interests of the legitimate authorities of the occupied territory, and the well-being of the local population.[64] It establishes two core obligations of conduct for Occupying Powers that are interconnected. On the one hand, they must restore and maintain public order and civil life in the occupied territory (including the welfare of the population); on the other hand, they must respect (unless absolutely prevented from doing so) the laws in force in the occupied territory.[65]

Article 43 of Hague Convention IV can be thought of as a door left ajar, through which the UN climate change regime can enter and start interacting with the law of occupation, providing that the phrase "laws in force" from Article 43 is broadly interpreted. In this regard, a broad conception of the phrase should be considers and interpreted to mean that it refers to the entire legal system of the occupied territory.[66] This means that it includes constitutions, decrees and ordinances, executive orders, national and municipal laws, and substantive and procedural law.[67] However, it is worth remembering that a State's legal system consists of its domestic laws as well as those international customary and conventional rules in force and binding upon it (whose internal incorporation rules in force for the Occupied State are included in the phrase "laws in force" found in Article 43, and that these rules are a source of obligations for the Occupying Power[68] because, as the *de facto* authority effectively controlling the territory (even a part of it), it is responsible for complying with them[69], particularly those that would help to ensure the maintenance of public order and safety in the occupied territory.

The UN climate change regime is a good example of international binding rules that can help to ensure the maintenance of public order and safety in the occupied territory because the implementation of that regime, through the adoption of mitigation and adaptation measures by the Occupying Power, would tend to reduce the civil population's vulnerability to climate change[70] and thereby help to maintain a healthy (local and global) environment for the enjoyment of human rights. Moreover, it would also contribute to keeping safe the Occupying Power's armed forces deployed in the occupied territory. Therefore, respect for the UN climate change regime and the application of that regime to belligerent occupations are beneficial for all the parties affected by an armed conflict as well as for the Earth's climate system. In other words, from a humanitarian and environmental perspective, a broad interpretation of Article 43 of Hague Convention IV is needed

[64] Cuyckens H Revisiting the Law of Occupation, Brill Nijhoff, Boston, MA, 2018, p. 103.
[65] Hague Convention IV, Art. 43 and also Geneva Convention IV, Art. 64
[66] Sassoli M "Legislation and Maintenance of Public Order and Civil Life by Occupying Powers", European Journal of International Law, Vol. 16, No. 4.
[67] Ibid, also Dinstein Y. "Legislation under Art.43 of the Hague Regulations:Belligerent Occupation and Peace building", Occasional Paper Series, No. 1, Program on Humanitarian Policy and Conflict Research, Harvard University, Autumn 2004, p. 4
[68] See Meron T "Applicability of Multilateral Conventions to Occupied Territories", American Journal of International Law, Vol. 72, No. 3, 1978
[69] Benvenisti E Op cit, pp. 83 – 86

because today's reality demands that Occupying Powers take action against climate change, as their inaction (or lack of adoption of adequate measures) could have a negative impact on the Earth's climate system, the local natural environment, and human beings (temporal and permanent) living in the occupied territory.

6.0. The Extra-Territorial Application of the UN Climate Change Regime to Belligerent Occupations.

The UNFCCC has been ratified by 198 States[71], and the Paris Agreement by 195 States[72]. In the hypothetical case that only the Occupying Power is party to the UN climate change regime (because the occupied State never expressed its consent or because it decided to withdraw from it[73]) the Occupying Power will have to respect the regime in the occupied territory based on the "GHG production-based system boundary" implemented by the UN climate change regime. This system boundary has a territorial approach according to which GHG emissions are allocated to the State Party in whose territory they are generated, so that it can stabilize and reduce them by submitting every five years their domestic plans for climate action, known as "nationally determined contributions".

The said obligation could be interpreted in a restrictive manner as covering only those emissions produced in the metropolitan territories of the parties (in this case, Occupying Powers). However, the implementation of this obligation should be done through the spirit of the harm prevention principle, as the UN climate change regime is part of International Environmental Law.[75] The harm prevention principle is considered the cornerstone[76] or the *raison d'etre* of International Environmental Law;[77] it reflects a rule of customary nature;[78] it is included in paragraph 8 of the preamble to the UNFCCC; and its application during belligerent occupations is also proposed in ILC Draft Principles 19.2 and 21.[79] According to the harm prevention principle, a State has the responsibility to ensure that activities within its jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of its national jurisdiction.[80] The ICJ has interpreted that the harm prevention principle has a due-diligence nature, meaning that States are obliged to use all means at their disposal to avoid environmental harm.[81]

The notion of "jurisdiction or control" over a space is a key component of the harm prevention principle because it connects the concerned State with the environment of that space and its

[70] As an example, Karen Hulme mentions that in drought-prone regions, those acting as occupiers must ensure the right to survival of the affected population, and one way to achieve this might be by actively rebuilding facilities or reconnecting damaged services. Hulme K., "Climate Change and International Humanitarian Law", in Rosemary Rayfuse and Shirley V. Scott (eds), International Law in the Era of Climate Change, (Edward Elgar, Cheltenham, 2012) 209 – 210.

[71] United Nations Climate Change: Status for Ratification of the Convention <https//unfccc.int accessed on 9/06/2025

[72] The Paris Agreement/United Nations <https//www.un.org accessed on 9/06/2025.

[73] United Nations Framework Convention on Climate Change, Art. 25; Paris Agreement, Art. 28.

[74] Joanne Scott, explains that according to this territorial system boundary, emissions are allocated to the country in which goods and services are produced rather than the country in which they are consumed. Scott J, "EU Climate Change Unilateralism", European Journal of International Law Vol. 23, issue 2, May 2012, pp 469 – 494. <https://doi.org/10.1093/ejil/chs020 accessed on 9/06/2025.

[75] Ibid, see also IHL in the Era of Climate Change: The UN application of the Climate Change Regime to Belligerent Occupation. Op cit.

[76] Duvic-Paoli and Vinuales mentioned that the prevention principle performs important interpretive functions of treaty provisions relating to other matter, such as to clarify or update their content or to conciliate different considerations. Duvic-Paoli, L-A and Vinuales, J. E. "Principle 2", in J. E. Vinuales (ed.) Op Cit, p. 120.

[77] Duvic-Paoli, LA. The Prevention Principle in International Environmental Law (Cambridge, Cambridge University Press, 2018),2

[78] Nuclear Weapons Advisory Opinion, Op Cit, para. 29; ICJ, Pulp Mills on the River Uruguay (Argentina v. Uruguay), Judgement, ICJ Reports 2010, para. 101.

[79] An example of the application of the harm prevention principle to other International Law regimes is the case of the Law of Sea. Art. 194 (2) of the UN Convention on the law of the Sea.

[80] See Principle 21 of the 1972 Stockholm Declaration on the Human Environment and Principle 2 of the 1992 Rio Declaration.

[81] ICJ, Pulp Mills, Op Cit, para. 101.

protection. Coincidentally, the notion of "control" is also important in the law of occupation[82] because according to Article 42 of Hague Convention IV, a territory is considered occupied when "it is actually placed under the authority of the hostile army"[83]. As explained by Vite, two conditions must be fulfilled for occupation to exist: (1) the Occupying Power is able to exercise effective control over a territory that does not belong to it, assuming this status when its troops are deployed in the concerned territory and it is in a position to exercise its own power; and (2) its intervention has not been approved by the legitimate sovereign (even if there is no armed resistance)[84]. Consequently, there is a connection between the harm prevention principle and the law of occupation through the notion of "control".

A harmonic interpretation and application of the Paris Agreement and the harm prevention principle in a context of belligerent occupation would therefore allow a conclusion that the Paris Agreement should be applied in an extraterritorial manner to those areas under the jurisdiction or control of States Parties, such as in the case of occupied territories. Accordingly, the Occupying Power would be responsible for controlling GHG emissions from the occupied territory under its effective control (in order to avoid population from climate change during the occupation), and should include in its nationally determined contributions those GHGs produced in the occupied territory when that space is under its effective control[85].

7.0. The Principle of Legal Stability and Continuity of Treaties and the UN Climate Change Regime

The principle of legal stability and continuity of treaties is presumed that the existence of an armed conflict does not *ipso facto* terminate and suspend the operation of a treaty, as proposed by ILC Draft Article 3.[86] When the concerned treaty does not contain provisions on its operation in situations of armed conflict, in Draft Article 6, the ILC has proposed a non-exhaustive list of factors that could serve to determine the susceptibility to termination, suspension or withdrawal of a treaty, which may or may not be relevant for it depending on the circumstances.[87] Subparagraph (a) focuses on those factors in relation to the treaty itself, while subparagraph (b) deals with those related to the characteristics of the armed conflict.

According to Draft Article 6, the treaty-related factors that could be considered for the determination are the nature of the treaty (in particular, its subject matter), its object and purpose, its content, and the number of parties to the treaty.[88] Subparagraph (a) is linked to Draft Article 7, which proposes an indicative list (found in the Annex) of categories of treaties whose subject matter involves an implication that they continue in operation during armed conflicts.[89] The ILC recognizes that in certain cases, the proposed categories are overlapping.[90] The categories included in the list that are relevant for the purposes of this paper are the ones related to "treaties declaring, creating or regulating a permanent regime or status or related permanent rights".[91]

[82]Kalandarishvili-Mueller points out that the notice of control is not only important for classifying situations of military occupation, but also plays a significant role in wider international law as each branch uses and positions control in different tests and with different threshold: Natia Kalandarishvili-Mueller, Occupation and Control in International Humanitarian Law, Routledge, Abingdon, 2020, p.3.

[83]Benvenisti consider that the occupation's authority derives not from a right to control but from the fact of control that depends on a factual determination of the occupant's effective control over certain territory: Benvenisti, E. Op Cit, p. 43.

[84]Sylvain Vite, "Typology of Armed Conflicts in International Humanitarian Law: Legal Concepts and Actual Situations", International Review of the Red Cross, Vol. 91, No. 873, 2009.

[85]As an example of the extraterritorial application of the UN Climate Change Regime, some states party to the Paris Agreement with territorial disputes made interpretative declaration when expressing their consent to be bound (as reservations are prohibited).

[86]ILC Draft Articles, Op Cit, Art. 3.

[87]ILC Draft Articles, Op Cit, p. 119.

[88]Some of these factors are related to the general rule of interpretation of treaties established in Article 31 of the VCLT. ILC Draft Articles, Op Cit, p. 120.

[89]ILC Draft Articles, Op Cit, p. 120.

[90]Ibid.

[91]Thorgeirsson, H., "Objective (Article 2.1)", in D. R. Klein *et al.* (eds), Op Cit, p. 124

Based on the treaty-related factors included in Draft Article 6(a), from the content of the UNFCCC and the Paris Agreement, as well as considering the number of States Parties they have, it can be inferred that both legal instruments are multilateral treaties related to the protection of the environment, open to consent by any State or regional economic integration organizations, and they have achieved almost universal ratification. It is precisely due to these characteristics of the climate change problem that those treaties have established a permanent regime with the aim of enabling States Parties to take constant collective action in order to tackle the problem effectively, because this issue will affect humanity for several generations. Furthermore, this special feature of the UN climate change regime (as an environmental permanent regime following Draft Article 7's criteria) can also be inferred from the preamble of the UNFCCC, in which the States Parties acknowledge that climate change is a problem surrounded by uncertainties with regard to timing, magnitude and regional patterns,[92] and that they are determined to protect the climate system for present and future generations[93] because the global nature of the climate change problem and its adverse effects are a common concern of humankind.[94]

The permanent application of the UN climate change regime can also be inferred from the fact that the regime has been established to deal with a global environmental problem. Besides this, with the aim of stabilizing GHG concentrations in the atmosphere and achieving "net zero", the regime intends to modify collective and individual behaviour connected to patterns of production and consumption, and this transition will take decades. Moreover, it can be considered that the regime seeks to serve the interests of the international community as a whole by having as its primary objective the protection of a common environmental good[95] (the climate system), as well as the protection of human health, safety and life on Earth for present and future generations. Consequently, considering that Earth's climate system is a common concern of humankind, the permanent application of the regime can be confirmed as it plays a critical legal role in addressing the problem. Finally, the regime's permanent application is necessary as a way of maximizing the effectiveness of the regime and the efforts made so far to cope with the climate problem.

As for the armed conflict-related factors listed in ILC Draft Article 6(b), these include the territorial extent of the armed conflict, its scale and intensity, its duration and, in the case of non-international armed conflicts, the degree of outside involvement. The duration factor is key in the determination of the continuous application of the UN climate change regime because of an intrinsic characteristic of belligerent occupations: they are supposed to be temporary situations because it is expected that application of the UN climate change regime during this type of armed conflict.[96] This is because the essence of the law of occupation is to find a balance between, on the one hand, the protection of the life and property of inhabitants (included the local environment) as well as respect for the sovereign rights of the ousted government[97]; and, on the other hand, the fulfillment of the security and military needs of the Occupying Power.[98] It is precisely the protection of life and the environment of the occupied territory that triggers the necessity of applying the UN climate change regime during belligerent occupations in order to reduce the adverse effects of climate change in the occupied territory. In other words, the UN climate change regime has to be applied during belligerent

[92]Ibid paragraph 5
[93]Ibid paragraph 23
[94]Ibid paragraph 1
[95]Voneky S, "Peacetime Environmental Law as a Basis of State Responsibility for Environment Damage Caused by War", In Jay Austin and Carl Bruch (eds), The Environmental Consequences of War, Cambridge, Cambridge University Press, August 2010, pp. 211 – 212
[96]Koutroulis V "The Application of International Humanitarian Law and International Human Rights Law in Situation of Prolonged Occupation: Only a Matter of Time?", International Review of the Red Cross, Vol. 94, No. 885, 2012, p. 167.
[97]This explains why the regime is both "permissive (accepting that an occupier exercises certain powers) and prohibitive (putting limits on the occupier's actions)". Spoerri, P Op Cit, pp. 185 – 186.
[98]Koutroulis clarifies that neither conventional nor customary International Humanitarian Law distinguishes between "short-term" occupations and "prolonged" ones; hence, no distinct legal category of prolonged occupation exists in International Humanitarian Law, and the adjective "prolonged" is descriptive.

occupations for humanitarian and environmental reasons, and even more so in case of prolonged occupations.[99] Therefore, the negative impact of climate change on the civilian population[100] and the environment, and the lack of action by the Occupying Power in reducing GHG emissions in the occupied territory, as well as in adopting mitigation and adaptation measures to reduce and prevent those climate consequences, would be contrary to the object and purpose of the UN climate change regime (including the harm prevention principle) and the humanitarian spirit of the law of occupation.

The foregoing analysis, based on ILC Draft Article 6 and subparagraphs (b) and (g) of the Annex related to ILC Draft Article 7, allows us to conclude that the intrinsic characteristics of the UN climate change regime explained above, as well as the well- known negative consequences that climate change is having on the environment itself and on humanity, are enough to justify the permanent application of the regime regardless of the context (peacetime or wartime), because the regime's interrupted application or suspension due to armed conflict can be catastrophic in general for Earth's climate system and in particular for the civilian population affected by the armed conflict. As mentioned by the ILC, in the case of environmental treaties that are widely ratified and that have a global scope, it may be difficult to conceive of the suspension of those treaties exclusively between the parties to the armed conflict, because "obligations established under such treaties protect a collective interest and are owed to a wider group of States than the ones involved in the conflict or occupation".[101]

8.0. The Holistic Application of International Humanitarian Law, International Human Rights Law and the United Nations Climate Change Regime during Belligerent Occupations.

Climate Change regime during belligerent occupations is introduced as the "long-term road" because the question of how these three branches of public international law interact does not have a definitive answer yet. For instance, the ILC, in its study on Fragmentation of International Law,[102] considers that the principle of systemic integration provided for in Article 31(3)(c) of the Vienna Convention on the law of treaties (VCLT) is the key tool to be used for interpreting and determining the relationship between general international norms and norms of self-contained regimes, in order to maintain the coherence of public international law. However, the ILC concludes that the VCLT alone is not enough to give an answer to the emergence of conflicting rules and overlapping legal regimes, because it does not give sufficient recognition to special types of treaties and the special rules that may be useful for their application and interpretation. Finally, the ILC concludes that the whole complex of inter-regime relations is a legal black hole, and wonders what principles of conflict solution might be used for dealing with conflicts between two regimes or between instruments across regimes. In this regard, the ILC Draft Principles provide an answer to the applicability of other international legal regimes that protect the environment during armed conflicts, besides International Humanitarian Law. Yet, in the Draft Principles, the ILC does not propose how that interaction and application should take place or the criteria for resolving possible normative contradictions between International Humanitarian Law, International Human Rights Law and International Environmental Law, this being left to the consideration of States and stakeholders.

[99] Bakker explains that the vulnerability of the environment and the civilian population caused by the hostilities themselves is often exacerbated by the effects of climate change (severe drought and water shortages, rising sea levels, extreme weather events): Bakker, C Op Cit, p. 7.

[100] ILC, Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law: Report of the study Group of the International Law Commission, UN Doc. A/CN.4/L.682, 13 April 2006, as corrected by UN Doc. A/CN.4/L.682/Corr.1, 11 August 2006 (finalized by Marti koskenniemi).

[101] See Droege C, "The Interplay between International Humanitarian Law and Inetrnational Human Rights Law in situations of Armed Conflict", Israel Law Review, Vol. 40, No. 2, 2007; Nehal Bhuta (ed.), The Frontiers of Human Rights (Oxford, Oxford University Press, 2016) 32

[102] The UN Human Rights Committee has the same approach concerning the application of the 1966 International Covenant on Civil and Political Rights, as expressed in its General Comment No. 31UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004, paras.10-12.

As for the application of International Human Rights Law during armed conflicts,[103] the ICJ has confirmed that "the protection offered by human rights conventions does not cease in case of armed conflict", and has also affirmed that the 1966 International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights are applicable in respect of acts carried out by a State in the exercise of its jurisdiction outside its own territory, particularly in occupied territories, confirming the extraterritorial application of the Covenants.[104] This interpretation is emblematic because it has opened the door for other international legal regimes, like International Human Rights Law, to contribute to and strengthen the humanitarian and legal protections provided during armed conflicts, in particular in situations of belligerent occupation.[105]

This opened door is an interesting one to be crossed by International Human Rights Law hand in hand with the UN climate change regime (as part of International Environmental Law), with the aim of providing humanitarian protection to civilian populations simultaneously affected by armed conflict (in this case, belligerent occupation) and the adverse effects of climate change. For instance, the Paris Agreement's preamble expressly connects the UN climate change regime and International Human Rights Law by respective obligations on human rights[106]. Carazo highlights that this acknowledgement is important because the Paris Agreement is the first multilateral environmental agreement to incorporate express reference to human rights, this being considered as revolutionary.[107]

The express connection between the two regimes is a legal advantage that must be seized, and its implementation during belligerent occupations can take place in two ways. Firstly, it can take place through the intimate interlink between the climate change crisis and the enjoyment of recognized human rights. There are several fundamental human rights that are already being affected across the planet, (like the rights to life, to health, and to food and water) as a consequence of climate change and the lack of inadequacy of policy action from governments.[108] Secondly, it could take place through the international (and domestic) recognition of the human right to a safe, clean, healthy and sustainable environment. This recognition is important because it enhances "the enjoyment of rights holders, and the accountability of duty bearers to respect, protect and fulfill this right".[109] Legal action on this issue has been taken by States,[110] international organizations and international tribunals. For instance, the UN Human Rights Council[111] and UN General Assembly[112] have expressly recognized the right to a healthy environment as a human right that is important for the enjoyment of other human rights that is related to other rights and existing international law, and whose promotion requires the full implementation of multilateral environmental agreements under the principles of International Environmental Law. Besides this, Article 24 of the African Charter on Human and Peoples' Rights recognizes the right to a general satisfactory environment.[113] Furthermore, when the Inter-American Court of Human Rights had the first opportunity to analyze States' obligations arising from the need

[103]Maria Pia Carazo, "Contextual Provisions (Preamble and Article 1)", in D.R Klein et al. (eds), Op Cit, p.114

[104]UNEP and Sabin Center for Climate Change, Climate Change and Human Rights, Nairobi , 2015 pp. 2 -10

[105]UN Human Rights, UNEP and United Nations Development Programme, What is the Right to a Healthy Enviornment?, Information Note, 2022, available at: www.undp.org/sites/g/files/zskgke326/files/2023-01/UNDP-UNEP-UNHCHR-Wha... accessed on 11th June, 2025.

[106]Draft Protocol Op Cit, paragraph 11.

[107]Many States have already recognized the human right to a healthy environment in their constitutions or domestic law. See David Boyd, Report of the special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, UN Doc.A/73/188, 19 July 2018.

[108]HRC Res. 48/13, 18 October 2021.

[109]UNGA Res. 76/300, 28 July 2022.

[110]Inter-American Court of Human Rights, The Environment and Human Rights, Advisory Opinion OC-23/17, 15 November 2017, paras. 58 - 59

[111]See ECHR, Loizidou V. Turkey, Judgment, 18 December 1996; ECHR, Cyprus v. Turkey, Judgment, 10 May 2001.

[112]Although not in situations of armed conflict, climate change applications have been submitted before the ECHR, and future decisions taken by the court can be an important precedent for all states (including Occupying Powers) concerning human rights and climate. See ECHR, Verein KlimaSeniorinnen Schweiz and others v. Switzerland, Appl. No. 53600/20, 17th March 2021; ECHR, Careme v. France, Appl No. 7189/21, 28 January 2021.

[113]Cuyckens, H. Op Cit, P. 104.

to protect the environment under the American Convention on Human Rights, it considered that the right to a healthy environment is recognized explicitly in the domestic laws of several States of the region, as well as in some provisions of the international *corpus juris*. The right to a healthy environment also has an individual dimension insofar as its violation may have a direct and an indirect impact on the individual owing to its connectivity to other rights, such as the rights to health, personal integrity, and life. Environmental degradation may cause irreparable harm to human beings; thus, a healthy environment is a fundamental right for the existence of humankind.[114]

Consequently, either because of the intimate connection between climate change and adverse effects on basic human rights or because of the consecration of the human right to a healthy environment as a right in itself, Occupying Powers will have to apply International Human Rights Law and the UN climate change regime in the occupied territory under their effective control because they are obliged to respect and adopt appropriate measures to protect those basic and recognized human rights of the civilian population[115] whose enjoyment can be affected or worsened due to the effects of climate change in the occupied territory.[116] Occupying Powers will have to adapt to governance challenges,[117] as the exercise of jurisdiction or control over a territory does not come without responsibilities. Lastly, an immediate legal consequence of the connection between the UN climate change regime and International Human Rights Law would be the constant respect and application of the UN climate change regime regardless of the context.[118]

9.0 Conclusion:

The intersection of Climate Change, environmental protection, and armed conflict highlights a growing global concern that transcends traditional boundaries of security law, and sustainability. Climate change acts as a catalyst for instability, intensifying resource scarcity and social tensions that can lead to conflict. In turn, armed conflicts often cause severe and lasting damage to the environment, further weakening communities' resilience to climate impacts.

While International Humanitarian Law (IHL) provides some protection to the environment during armed conflict, it is limited in scope and enforcement. Climate change and environment degradation are long-term, transboundary challenges that require a more holistic and proactive legal and policy response.

10.0 Recommendations

International Humanitarian Law currently contains several provisions related to environmental protection, but they are limited and often lack enforcement mechanisms or clarity.

Recommendations for improving IHL provisions in this area:

1. Strengthen Legal Protections for the Environment in Armed Conflict

There should be an expansion of the scope of existing IHL Norms There should be a clarification and broadening of Articles 35(3) and 55 of Additional Protocol I, which prohibit widespread, long-term, and severe environmental damage. Removal or reduction of the cumulative threshold (i.e., “widespread, long-term, and severe”) to make these norms more enforceable should be made. A development of a clear customary rule or treaty provision that explicitly protects the environment, even if not directly linked to human harm should be made. Strengthen the precautionary principle in targeting decisions to include environmental impact assessments.

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[114] As clearly pointed out by Sassoli, today it is no longer possible to divide international law (and its branches) into the law of war and the law of peace because IHL is not the only branch of public international law that provides answers to humanitarian problems arising in armed conflicts. Marco Sassoli, International Humanitarian Law, Edward Elgar, Cheltenham, 2019, p. 422.

[115] Slade T N, “International Humanitarian Law and Climate Change”, in Suzannah Linton, Tim McCormack and Sandesh Sivakumaran (eds), Asia-Pacific Perspective on International Humanitarian Law, Cambridge, Cambridge University Press, 2009, p. 655.

[116] Sassoli M, Bouvier A and Quintin A (eds), How Does Law Protect in War?, Vol. 1, ICRC, Geneva, 2011, p. 149.

[117] Cuyckens, H. Op Cit, P. 104.

[118] Ibid

2. Enhance Accountability and Enforcement Mechanisms

Establishment of Legal Remedies to introduce specific provisions for reparations or restoration for environmental damage caused during conflict is necessary. Empowerment of international bodies (e.g., ICC or ICJ) to address genocide as a crime under international law. There should be a requirement for belligerents to document and disclose environmental impacts of military operations. Encourage third-party monitoring (e.g., by the ICRC, UNEP, or NGOs).

3. Integrate Climate Considerations into Military Operations

There should be update of Military manuals and doctrines include environmental protection standards and climate resilience considerations in rules of engagement. Train armed forces in environmentally responsible conduct in conflict are necessary. The investment in military technologies and logistics that minimize environmental footprints, including fuel-efficient systems and biodegradable munitions.

4. Recognize and Protect Climate-Vulnerable Populations

There should be a strengthening protection of civilians include climate vulnerability as a factor in the protection of civilians and displaced persons. There should also be need to ensure that relief operations consider climate resilience and environmental sustainability. There should be recognition of the unique environmental and cultural ties of indigenous peoples and integrate protections for their ecosystems during conflict.

5. Promote Post-Conflict Environmental Restoration

Requirement of parties to conflict to restore ecosystems post-conflict, particularly, those critical to public health, food, and water security. Inclusion of environmental considerations in peace agreements, reconstruction planning, and reconciliation efforts are necessary.

6. Develop a Specialized Legal Instrument or Protocol

Proposal of a new protocol to the Geneva Conventions or an independent treaty focused exclusively on environmental protection in armed conflict. This could consolidate and clarify existing rules, expand protections, and establish enforcement procedures.