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# PROTECTION OF THE RIGHT TO A HEALTHY ENVIRONMENT DURING ARMED CONFLICTS

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## INTRODUCTION

The current stage of civilisational development is characterised by the recognition of the importance of the values characteristic of a democratic society. Human rights and the environment emerge as core values, serving as necessary conditions and natural foundations for the existence of civil society as a whole.

Environmental rights are in the focus of attention of most states of the world, since their actual observance and the existence of effective protection mechanisms are an indicator of how the development of the state meets the modern needs of society.

The intensification of human life, the expansion of the use of environmental objects leads to unpredictable cardinal and even catastrophic changes in nature. This imposes a duty upon individuals to protect the environment. As Justice of The Supreme Court of United Kingdom Robert Carnwath rightly pointed out: "…they are more than them. They involve rights and duties. Rules represent not only human, but all living thoughts. The duties are ours, as the species which has a unique ability to influence the environment for good or ill" [1].

At the same time, the challenges and threats to world civilisation are constantly increasing, among which armed conflicts pose the greatest danger. Military actions disrupt the functioning of all natural life-support systems, affecting the integrity of relationships in the biosphere, the state of natural resources, the rate of their restoration, etc [2]. The mining of large areas causes the exclusion of lands from the composition of agricultural land and forests, the death of plants and animals. The construction of defensive alters the soil structure. The actions of artillery and aviation entail significant modifications of landscapes. Armed conflicts have a significant impact on the river system. As a result, the natural waters of not only those countries in which conflicts occur, but also countries that

[1] Human Rights and the Environment URL: https://www.supremecourt.uk/docs/speech-181010.pdf

[2] Conflict and Environmental observatory. URL: https://ceobs.org/un-lawyers-approve-28-legal-principles-to– reduce-the-environmental-impact-of-war/

have a system joint with it, suffer [3]. Consequently, any armed conflict most often has transboundary environmental consequences. All these factors highlight the necessity for an optimal mechanism to protect the right to a healthy environment during an armed conflict, primarily by international means.

In general, the process of forming an international legal mechanism for protecting a healthy environment during armed conflicts began in the 20th century. This was due to the fact that it was at that time that there were cases of significant environmental damage to the territory of one or more states during an armed conflict. It is important to mention the environmental consequences of the bombing of Hiroshima and Nagasaki in 1945, the war in Indochina in 1965–1973, in the Persian Gulf in 1990–1991, in Yugoslavia in 1999, in Afghanistan and Iraq, etc. Following that, the OSCE and UNEP assessed the environmental consequences of the military conflict in Nagorno-Karabakh (2006), Georgia (2008), and eastern Ukraine (2014). In 2017, various intergovernmental and non-governmental organisations participated in assessing the environmental impact of the fighting in Syria and Iraq.

In early 2022, the war began in Ukraine. According to the Ministry of Environmental Protection and Natural Resources of Ukraine, since the beginning of the war, more than 2,340 facts of causing harm to the environment by the aggressor have been recorded. due to the war, 20% of protected areas were affected. More than 23 thousand tons of greenhouse gases were emitted into the atmosphere due to fires because of enemy shelling. Hundreds of species of animals and plants with different conservation status have suffered from hostilities [4]. And the conflict is ongoing.

Undoubtedly, it should be recognised that the ecological situation in Ukraine was a crisis even before the start of the war, but during the armed conflict it turned into a catastrophic one. The situation is aggravated due to the constant destruction (damage) of numerous industrial enterprises, including mining and metallurgical enterprises, which are objects of increased

[3] Toset H. P. W., Gleditsch N. P., & Hegre H. Shared rivers and interstate conflict. Political geography. 2000. 19 (8). P. 971-996. URL: https://www.sciencedirect.com/science/article/abs/pii/S096262980000038X ; Heiderscheidt, Drew (2018). The Impact of World War one on the Forests and Soils of Europe. Ursidae: The Undergraduate Research Journal at the University of Northern Colorado: Vol. 7: No. 3, Article 3. URL: https://digscholarship.unco.edu/urj/vol7/iss3/3 ; Schillinger, J., Özerol, G., Güven-Griemert, Ş., & Heldeweg, M. Water in war: Understanding the impacts of armed conflict on water resources and their management. Wiley Interdisciplinary Reviews: Water. 2020. 7(6), e1480. URL: https://wires.onlinelibrary.wiley.com/doi/full/10.1002/wat2.1480 ; WaterunderFire:UNICEFforevery child. URL: https://www.unicef.org/media/51286/file

[4] Official resource of the Ministry of Environmental Protection and Natural Resources of Ukraine URL: https://ecozagroza.gov.ua/en

environmental danger, as well as critical infrastructure facilities that ensure the normal functioning of the population.

It should be pointed out that currently the analysis of the situation in the conflict zone is carried out based on a limited set of sources. Today, environmental monitoring is not carried out in part of the territories, there is no reliable information about the nature of the damage and its consequences. Experts suggest that the damage from this war to the environment can reach hundreds of billions of US dollars. However, the possibility of obtaining full reparations from Russia and the procedures for holding accountable for environmental crimes remain uncertain.

Issues of international legal protection of the environment in connection with an armed conflict are the subject of regulation of the range of legal orders, overlapping of international environmental law, international human law, international humanitarian law, international criminal law, etc. In each of these industries, there are corresponding international legal regimes, formed on the basis of the relevant customary and treaty norms.

Separate legal provisions aimed at mitigating the impact on the environment during hostilities can be found in various international documents of legal nature developed by international organisations, governments, and other entities. However, the question arises: do the existing instruments provide adequate protection of the right to a healthy environment during armed conflict?

It is advisable to consider this in more detail in the following sections.

## 1. International humanitarian law

The existing legal regime of international humanitarian law guarantees a certain protection of environmental objects with various legal instruments, however, the effectiveness and adequacy of the already developed mechanism is constantly discussed by many experts and scientists.

In general, if we consider the history of the formation of the "greening" of international legislation, it is worth noting that it was the environmental consequences of the Vietnam War that emphasised the need for adoption by the UN General Assembly on December 10, 1976. Modification Techniques (ENMOD Convention) [5]. The Convention aimed to limit the methods of conducting military operations that could result in changes in natural processes, climate, etc.

[5] The Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques (ENMOD Convention) URL: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiJgZnFis3_AhVsQ0EAHQS3B2cQFnoECA0QAw&url=https%3A%2F%2Fwww.icrc.org%2Fen%2Fdownload%2Ffile%2F1055%2F1976-enmod-icrc-factsheet.pdf&usg=AOvVaw2YV8nglhy9Ls8M4YPDpO3R&opi=89978449

The preamble of the Convention states that the motives for its adoption are the awareness of the extremely harmful consequences for the well-being of people resulting from the military or any other hostile use of environmental means; the desire to effectively prohibit such use of means of environmental impact in order to eliminate the dangers to humanity from such use; the desire to contribute to the deepening of confidence among peoples and the further restoration of the international situation in accordance with the purposes and principles of the Charter of the United Nations [6].

Under the Convention, each State Party undertakes not to resort to military or any other hostile use of environmental means having widespread, long-term, or serious consequences as a means of destroying, damaging, or harming any other State Party. They also agree not to assist, encourage, or induce any state, group of states or international organisations to engage in activities that violate these obligations.

However, the effectiveness of the Convention was not sufficient to provide the necessary protection, and it was necessary to look for additional legal mechanisms to solve the problem. Therefore, in 1977, Additional Protocol I to the Geneva Conventions, relating to the protection of victims of international armed conflicts, was adopted. It was the first document containing generally binding rules for states party to this agreement regarding the treatment of the environment during an armed conflict.

According to the paragraph 3 of Art. 35 prohibits the use of methods or means of warfare designed to cause, or may be expected to cause widespread, long-term, and severe damage to the natural environment. Article 55, "Protection of the natural environment" states that "1. When conducting military operations, care must be taken to protect the natural environment from widespread, long-term, and serious damage. Such protection includes the prohibition of the use of methods or means of warfare designed to cause or may be expected to cause such harm to the natural environment and thereby harm the health or survival of the population. 2. Damage to the natural environment through repression is prohibited" [7].

The main common feature of these norms is the prohibition of hostilities that can cause widespread, long-term, and serious harm to the natural

[6] The Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques (ENMOD Convention) URL: https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwiJgZnFis3_AhVsQ0EAHQS3B2cQFnoECA0QAw&url=https%3A%2F%2Fwww.icrc.org%2Fen%2Fdownload%2Ffile%2F1055%2F1976-enmod-icrc-factsheet.pdf&usg=AOvVaw2YV8nglhy9Ls8M4YPDpO3R&opi=89978449

[7] Additional Protocol to the Geneva Conventions of 12 August 1949 relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977 URL: http://zakon0.rada.gov.ua/laws/show/995_199/print1478683605283733..

environment. However, the developers of this document did not give an interpretation of the terms: “broad”, “long-term” and “serious”. Therefore, such a wording implies the presence of both widespread, and long-term, and serious harm at the same time, which creates difficulties in application, as rightly pointed out by critics of these norms rightly point out, the understanding of permissible harm to the environment is quite broad. Consequently, Articles 35 and 55 do not provide effective legal regulation of environmental protection, since it is almost impossible to achieve such a cumulative impact (harm) on the environment during conventional military operations with the use of non-prohibited weapons [8].

It is worth pointing out that Eric David points out that the narrow interpretation of paragraph 3 of Art. 35 and Art. 55, which prevailed in 1977, might be regarded today as obsolete, especially given the fact that the concept of “great, long-term and serious harm” in the form in which it was interpreted during the preparatory work is not legally defined in the Protocol itself. Because of this, the nature of the latter remains relative, subject to change and evolution depending on the assessment by the competent authority [9].

Another relevant treaty in the field of the environmental protection is Protocol III on Prohibitions or Restrictions on the Use of Incendiary Weapons to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Considered Excessive or Have Indiscriminate Effects (1980). Article 2, paragraph 4, of the Protocol prohibits the making of forests and other types of vegetation cover by incendiary weapons, except when such natural elements are used to cover, hide, or camouflage military objectives or when they are themselves military objectives [10].

Among other agreements in the field of international humanitarian law, which may indirectly lead to the prevention of a negative impact on the environment during hostilities, there are the following documents: Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases and development, production and stockpiling of bacteriological (biological) and toxin weapons and on their destruction (1972), Convention on the Prohibition of the Use of Certain Conventional Weapons (1980),

[8] Bothe, M., Bruch, C., Diamond, J., and D. Jensen. (2010). «International law protecting the environment during armed conflict: gaps and opportunities.» International Review of the Red Cross. 92(879). Ст. 576.

[9] David E. Principles of the Law of Military Conflicts: A course of lectures delivered at the Faculty of Law of the Open University of Brussels. Moscow: International Committee of Krasny Krest, 2011. P. 340.

[10] Convention on the Prohibition or Restriction of the Use of Specific Types of Conventional Weapons Which May Be Considered to Cause Excessive Injuries or to Have an Indiscriminate Effect, dated 10.10.1980.

Convention on the Prohibition of the Development, Production, Stockpiling, Use of Chemical Weapons and on Their Destruction (1993 ), the Comprehensive Nuclear-Test-Ban Treaty (1996), and other agreements.

The international legal regulation of conducted armed conflicts and the protection of the population, civilian and military facilities, tactics, and methods of warfare, directly or indirectly affects the preservation of environmental elements during the war. In particular, fixed restrictions or prohibitions on the use of certain types of weapons or methods of warfare to reduce the scale of the lethal impact or impact on the health of the civilian population entail a decrease in the impact on the elements of the environment – air, water, biodiversity, etc.

Some instruments of international law expressly or implicitly contain provisions prohibiting the infliction of harm to the environment during armed conflict. For example, the Declaration of the UN Conference on the Human Environment in 1972, Principle 26, declares the need to free humanity and the environment from the consequences of the use of nuclear and other types of weapons of mass destruction [11]. The World Charter for Nature, approved by the UN General Assembly in 1982, proclaims: "5. Nature must be protected from being plundered by war or other hostile acts. [...] 20. Military actions that harm nature should be refrained" [12]. The Rio Declaration on Environment and Development of 1992, in principle 24, declared that war inevitably has a devastating effect on the process of sustainable development, therefore states must respect international law, ensuring the protection of the environment in the event of armed conflicts [13].

According to Paragraph 39.6 of the 1992 Agenda 21 notes that the UN General Assembly and its Sixth Committee are the appropriate forum for developing measures to protect the environment from widespread destruction during armed conflicts, considering the special authority and role of the International Committee of the Red Cross in this process [14].

An important source of international humanitarian law is also the principles that can complement various international documents, be applied, and interpreted in the decisions of international courts, etc.

[11] Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration, 1972) URL: https://docenti.unimc.it/elisa.scotti/teaching/2016/16155/files/file.2017-03-11.7227158899

[12] World Charter for Nature URL: https://digitallibrary.un.org/record/39295

[13] The Rio declaration on environment and development URL: https://www.preventionweb.net/files/resolutions/N9283657.pdf

[14] Agenda 21. United Nations Conference on Environment and Development. Rio de Janeiro, Brazil, 3–14 June 1992. URL : https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf.

It should be pointed out that the bombing of oil facilities during the Iran-Iraq War (1980–1988) and the burning of Kuwaiti oil wells during the Gulf War (1990–1991) revived international interest in reaffirming and clarifying legislation that protects armed conflicts. With the support of a UN General Assembly resolution and after consulting with international experts, the International Committee of the Red Cross has developed Guidelines for the Incorporation of International Humanitarian Law on the Protection of the Natural Environment into Military Manuals and Instructions to improve the training of the armed forces and, ultimately, to better comply with such norms [15]. The Guidelines for the preparation and management of environmental protection in 1994, while not officially approved, were recommended to all states for wide dissemination and "due consideration be given to the possibility of including them in their military manuals. and other instructions addressed to military personnel" [16]. In particular, the following four principles are basic: distinction, military necessity, proportionality, and humanity.

The principle of distinction states that in military operations, civilian and military objectives should be distinguished to ensure that civilian objects and the population remain outside the scope of military operations. For example, a forest used by hostile forces for a hiding place could be declared a military objective and subjected to destruction, resulting in the destruction of biodiversity, undermining the normal functioning of ecosystems, etc. It was evidenced during the Persian Gulf War, when civilian objects were considered military, and, accordingly, their destruction caused more than significant damage to the environment [17].

The principle of military necessity permits measures not prohibited by international law to achieve military objectives, but it does not justify any other actions that are prohibited by international humanitarian law.

The principle of proportionality (proportionality) states that in numerous cases causing harm to the environment, such harm must be considered proportionate in relation to the military goals achieved. However, it should be emphasised that attempts to hold accountable for the violation of international humanitarian law NATO environmental officers during the armed conflict before the International Tribunal for the Former Yugoslavia were unsuccessful, because: a) to prove that the cumulative standard of Additional Protocol I was achieved, – a rather difficult task; b) after reviewing the application of the usual principles of military necessity and proportionality,

[15] ICRC, *Guidelines for Military Manuals and Instructions on the Protection of the Environment in Times of Armed Conflict* UN Doc. A/49/323, 19.08.1994

[16] M. Bothe, «Military activities and the protection of the environment» *Environmental Policy and Law*, Vol. 37, No. 2/3, 2007, p. 234.

[17] Protecting the environment during armed conflict. An inventory and analysis of international law, UNEP, 2009. c. 8.

the committee concluded that there was no need to open an investigation into environmental damage caused by armed conflict [18]. As a result, the Committee determined that the Alliance's actions did not meet the threshold set out in Additional Protocol I.

The principle of humanity prohibits causing unnecessary suffering, harm, and destruction: poisoning of water in wells, damage to agricultural land or forest resources, which are the basis of the livelihood of the local population.

To overcome the existing challenges, the development of the international legal framework for the protection of the natural environment in situations of armed conflict continues [19]. However, effective results have not yet been achieved.

Nevertheless, it is worth noting that the updated ICRC Guidelines make a major contribution to the clarification of the law of armed conflict. By systematically going through the relevant rules and principles they reveal the capacity of many provisions designed to protect civilian populations, to also provide general or indirect protection to the environment. While there still is no coherent legal framework for the protection of the environment in and in relation to armed conflicts, the work that has been pursued over the years has confirmed that there is considerable potential for a more coherent reading of the applicable rules [20].

## 2. International Law of the Environment

In the arsenal of international environmental law there are such sources of law as principles and "soft" instruments that are not binding but play an important role in the development and application of the norms of this area of law. However, today there is no optimal document concerning the limitation of the impact of hostilities on the environment and the issue of compensation for damage caused to the environment during armed aggression. Numerous international treaties and agreements in the field of international environmental protection and the use of natural resources in the area of responsibility for environmental damage in the majority do not contain "military" articles. They also do not contain provisions on the possibility or obligation to use them during an armed conflict.

The exception is the UN Convention on the Law of the Non-Navigational Use of International Watercourses in 1997, contained in Art. 29, is of a

[18] Kiss A. International environmental law / A. Kiss, D. Shelton. Nairobi: UNEP, 2004.

[19] Guiding principles regarding the protection of the environmental during armed conflict URL: https://blogs.icrc.org/ua/wp-content/uploads/sites/98/2023/02/IHL-Guidelines_environment_ua.pdf

[20] Marja Lehno Overcoming the disconnect: environmental protection and armed conflicts URL: https://blogs.icrc.org/law-and-policy/2021/05/27/overcoming-disconnect-environmental-protection-armed-conflicts/

customary nature [21], establishes: international watercourses and related installations should be protected by the principles and rules of international law applicable in international and non-international armed conflicts; UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage of 1972 [22]. As well as the African Convention on the Conservation of Nature and Natural Resources in 2003 in Art. XV contains an almost complete list of environmental protection obligations that states must fulfil not only during armed conflicts, but also after they end [23]..

The main international environmental agreements relevant to the scope of this study also include:

– United Nations Convention on the Law of the Sea (UNCLOS) (1982), which contains provisions specifically relating to warships. It does not contain provisions on the termination of its operation in time of war, from which it can be concluded that its operation is not completely terminated during hostilities. However, an analysis of the norms enshrined in the Convention does not quite clearly show how much it guarantees the protection of the environment during hostilities. However, the possibility of its application to situations of pollution of the marine environment from terrestrial sources or from oil platforms is open today [24].

– International Convention for the Prevention of Pollution of Ships (MARPOL) (1973). The Convention does not contain provisions for its application during hostilities, however, it contains a rule on the immunity of military, military auxiliary and other ships, aircraft, similar to the provision of the UNCLOS Convention – Art. 3(3).

– Convention for the Protection of the Black Sea from Pollution (1992). Like the previous conventions, the absence of a direct mention of the application or non-application of the convention during the period of hostilities does not exclude the need to comply with the provisions of the convention on the protection of the environment of the Black Sea during armed conflicts.

– Convention on Wetlands of International Importance, Principally as Habitat for Waterfowl (1971). The Convention allows states, due to pressing national interests, to cancel or reduce the boundaries of a wetland included in

[21] Dellapenna J.W. (2001) The customary international law of transboundary fresh waters International Journal of Global Environmental Issues. Vol. 1, Nos. 3-4. P. 264–305.

[22] Convention Concerning the Protection of the World Cultural and Natural Heritage URL: https://whc.unesco.org/en/conventiontext/

[23] African Convention on the Conservation of Nature and Natural Resources (revised version) URL : https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_ african_convention_on_the_conservation_of_nature_and_natural_resources _e.pdf.

[24] Protecting the environment during armed conflict. An inventory and analysis of international law, UNEP, 2009. p. 36.

the List (Art. 2 (5) and Art. 4). Such interests may include the interests of national security, martial law, which may indicate an obligation to apply the provisions of this convention in times of hostilities.

– Convention on Long-range Transboundary Air Pollution (1979). The Convention is an important international legal instrument designed to reduce transboundary air pollution in the European region. However, unfortunately, it does not contain any provisions for its operation during hostilities.

– Convention on the Conservation of Migratory Species of Wild Animals (1979). The Convention does not specify whether it ceases to apply during hostilities or armed conflicts.

– Convention for the Protection of Wild Flora and Fauna and Natural Habitats in Europe (1979). The Convention does not contain any mention of armed conflicts, hostilities or wartime and the extension of the Convention to such situations (periods), so its importance for the protection of flora and fauna during hostilities is doubtful.

An analysis of the cited documents shows that the obligation to use in peacetime does not exclude the need to use during hostilities. At least the provisions of several conventions support this conclusion. However, only about 20% of environmental conventions and agreements analysed by scientists under the auspices of the United Nations Environment Program (UNEP) to study international law in the field of environmental protection during hostilities contain clear provisions on the non-applicability of their provisions during armed conflicts [25].

A special place, as sources of international environmental law, is occupied by the principles of law, which are contained both in international agreements binding on the state's parties, and in "soft" instruments, such as declarations, resolutions, court decisions, etc. Compared to international agreements in the field of the environment, these principles can be applied more extensively in the legal regulation of preventing and controlling the environmental harm resulting both peaceful and military actions.

The most important principles include the principles of warnings, warnings, the responsibility of states for harm caused to the territory of other states, and other important principles. The precautionary principle, formulated in the Rio Declaration on Environment and Development (1992), is that in the event of significant or irreversible harm to the environment, the lack of scientific certainty cannot be used as a reason to postpone or not take measures to prevent pollution (principle 15) [26].

[25] Protecting the environment during armed conflict. An inventory and analysis of international law, UNEP, 2009. c. 34.

[26] The Rio declaration on environment and development URL: https://www.preventionweb.net/files/resolutions/N9283657.pdf

The principle of prevention is that one should strive to prevent harm to the environment than subsequently deal with the consequences of such harm to the environment, since the restoration of a polluted environment is often completely impossible and an extremely costly and time-consuming process.

The principle of responsibility of states for harm caused to the environment and the territory of other states has existed for more than a century and consists in the fact that the right of a state to exploit natural resources is not absolute and must be exercised considering the rights and interests of other states and the entire world community in the field of natural resource use. and protection of natural resources

One of the important documents in the field of environmental protection during hostilities is the Stockholm Declaration on the Environment [27]. Principle 21, noting that states have the sovereign right to develop their own resources and are responsible for ensuring that activities within their jurisdiction or control do not harm the environment of other states. Principle 26. Human and the environment must be spared the consequences of the use of nuclear and other weapons of mass destruction.

Other principles have been enshrined in the World Charter for Nature, the UN General Assembly Resolution on the protection of the environment during armed conflicts, etc [28]. However, unfortunately, as practice shows, today international environmental law does not provide adequate protection of the environment during armed conflicts.

### 3. International law in the field of human rights

Human rights related to the environment are quite well protected at the international level by international agreements and declarations. These legal mechanisms can also be used to limit the behaviour of states and hold them accountable for actions in armed conflicts related to environmental damage and, as a result, violation of human rights (for example, the right to life or the right to health).

The General Declaration of Human Rights (1948) states in article 25 that everyone has the right to a standard of living adequate for the health and well-being of himself and his family, including food, clothing, housing, medical care, and necessary social services. This article assumes that the natural environment surrounding a person must be of such quality that it does not pose a threat to the violation of this right, and this quality of life must be ensured by the state, including during armed conflicts.

[27] Declaration of the United Nations Conference on the Human Environment URL: https://www.un.org/ru/documents/decl_conv/declarations/declarathenv.shtml

[28] Resolution of the UN General Assembly A/RES/47/37 adopted on November 25, 1992.

The European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) enshrines the individual's right to life (Article 2) and the right to respect for private and family life (Article 8), which are closely related to the quality of the environment. In particular, the European Court of Human Rights made decisions in cases related to the violation of the right to private and family life under Art. 8 of the Convention in the context of environmental damage caused to the claimants during armed conflicts (Akdivar et al. v. Turkey, Selçuk and Asker v. Turkey, Esmukhambetov et al. v. Russia).

The position of the European Court of Human Rights confirms that the Convention must be applied even during hostilities, and therefore these articles can provide the surrounding natural environment with indirect protection during armed conflicts. The Court's practice in applying the Convention demonstrates that its norms serve as an effective and accessible method of protecting the environment and environmental rights of citizens during hostilities. Nevertheless, the issue of the development and adoption of an additional protocol to the Convention on the consolidation of environmental rights is currently being discussed rather briskly in professional circles. The adoption of such a document would further underscore the significance of environmental human rights at the international level.

In addition, the issue of violations of human rights, mainly of indigenous peoples, because of armed conflicts was considered by the Inter-American Court of Human Rights in such cases as Plan de Sánchez Massacre v. Guatemala, Ituango Massacres v. Colombia, Río Negro Massacres v. Guatemala, Massacres of El Mozote and neighbouring locations v. El Salvador, Afro-Descendant Communities Displaced from the Cacarica River Basin (Operation Genesis) v. Colombia [29].

### 4. Environmental justice

Currently, given the specific nature of resolving cases related to the application of environmental regulations, there is a growing tendency towards establishing specialised environmental courts and dedicated structures. Today, there are more than 50 different international courts and arbitrations, for example, the International Court of Justice, the International Maritime Tribunal, the Permanent Court of Arbitration, the Dispute Settlement Body of the World Trade Organization, the Court of Justice of the European Communities, etc. In 1994, the International Court of Environmental

[29] Third Report on the Protection of the Environment in Relation to Armed Conflicts / Submitted by Marie G. Jacobsson, Special Rapporteur, International Law Commission, UN Doc A/CN.4/700. 3 June 2016. 108 p.

Arbitration and Conciliation was established in the form of an international non-governmental organisation.

The International Court of Justice of the United Nations is the main judicial body of the United Nations, which is called to examine and peacefully resolve disputes between states. The International Court of Justice (ICJ) is the principal judicial organ of the United Nations. It was established by the United Nations Charter in June 1945 and began its activities in April 1946. The Court is composed of 15 judges elected for a nine-year term by the General Assembly and the Security Council of the United Nations. The seat of the Court is at the Peace Palace in The Hague (Netherlands). The Court has a twofold role: first, to settle, in accordance with international law, through judgments which have binding force and are without appeal for the parties concerned, legal disputes submitted to it by States; and second, to give advisory opinions on legal questions referred to it by duly authorised United Nations organs and agencies of the system [30].

As a rule, disputes between states that could not be settled out of court are referred to the court. For example, a dispute between Hungary and Slovakia over a joint project to build a system of locks on the Danube River continued for almost 10 years. Failing to reach an understanding, the parties referred the dispute to the International Court of Justice. In 1997, the court issued a decision, finding both parties guilty of violating their obligations under the relevant project. Therefore, Hungary was obliged to compensate the damage to Slovakia (as a result of the suspension of the project by the Hungarian side), and Slovakia to Hungary (as a result of the change in the course of the Danube by the Slovak side). However, it should be noted that the competence of this court does not include the resolution of environmental disputes during an armed conflict, and therefore these issues are left aside.

In particular, in connection with the armed conflict on 26 February 2022, Ukraine filed in the Registry of the International Court of Justice an Application instituting proceedings against the Russian Federation concerning "a dispute... relating to the interpretation, application and fulfilment of the 1948 Convention on the Prevention and Punishment of the Crime of Genocide" (the "Genocide Convention") [31].

The International Court of Justice has already ordered the Russian Federation to immediately stop the war against Ukraine, but the Russian

[30] Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) URL: https://www.icj-cij.org/sites/default/files/case-related/182/182-20230609-PRE-01-00-EN.pdf

[31] Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) URL: https://www.icj-cij.org/sites/default/files/case-related/182/182-20230609-PRE-01-00-EN.pdf

leadership has stated that it will disregard this decision. Therefore, another question arises regarding the enforcement of court decisions.

If we look at the practice of the International Criminal Court, we can see that in the decision in the case "The Prosecutor v. Omar Hassan Ahmad al-Bashir" in 2009, the Court did not deny the connection between environmental destruction and the crime of genocide. The Chamber recognised that "the act of polluting the water pumps and the forced displacement involving the resettlement of members of other tribes was carried out within the framework of a policy of genocide and the conditions of life... were intended to physically destroy part of these ethnic groups" [32]. Although the International Criminal Court has not made a specific decision on criminal liability for environmental crimes, the recognition of the connection between the pollution of water resources necessary for the survival of the population and the crime of genocide is an important step [33].

It should be emphasised that the recognition of the need to protect the environment during armed conflicts is progressing surprisingly quickly. In this context, attention should be given to the special opinion of Judge K. G. Weeramantra of the International Court of Justice, who emphasised the need for a balanced consideration of the principle of sustainable development to meet the needs of development and environmental protection, as well as the necessity of ongoing environmental impact assessment, since, according to principle 24 of the Rio Declaration, war inevitably has a devastating impact on the process of sustainable development. Therefore, states must respect international law by ensuring the protection of the environment during armed conflicts and cooperate (if necessary) in its further development [3435].

For the international prosecution of gross violations of international humanitarian law, International Criminal Tribunals are established by decisions of the UN Security Council. In particular, the decision of the International Criminal Tribunal for the Former Yugoslavia indicates the possibility of such tribunals resolving cases of prosecution for causing harm

[32] Situation in Darfur, Sudan, Prosecutor v. Omar Al-Bashir, ICC-02/05-01/09-3 : Second Decision on the Prosecution's Application for a Warrant of Arrest URL : https://www.icc-cpi.int/CourtRecords/CR2010_04826.PDF.

[33] Situation in the Republic of Mali, The Prosecutor v. Ahmad Al Faqi Al Mahdi, ICC-01/12-01/15 : Judgment and Sentence. 27 September 2016 URL : https://www.icc-cpi.int/courtrecords/cr2016_07244.pdf.

[34] Summary Resolution of Advisory Opinions of the International People's Court 1997–2002 United Nations. New York, 2006 URL: http://legal.un.org/icjsummaries/documents/

[35] The Rio declaration on environment and development URL: https://www.preventionweb.net/files/resolutions/N9283657.pdf

to the environment, although the researchers in this field have also pointed out the inadequacy of existing international law in this area [36].

The UN Compensation Commission was established in 1991 as a temporary subsidiary body of the UN Security Council to examine claims and provide compensation for losses and damage caused by Iraq's illegal invasion and occupation of Kuwait. The commission's jurisdiction is considered quite innovative for international legal standards, particularly regarding the entities that can claim harm, as well as in relation to the types of damage subject to compensation (including environmental damage) [37]. This decision was preceded by UN Security Council Resolution 687 (1991), which stated in paragraph 16 that Iraq is responsible under international law for any harm, including environmental damage and depletion of natural resources, arising from the illegal invasion and occupation of Kuwait. Paragraph 18 of the resolution established a fund to provide compensation for claims arising from paragraph 16. The UN Security Council held Iraq liable for environmental damage due to the use of force in violation of Article 2(4) of the UN Charter, and not due to a violation of international humanitarian law or international environmental law.

Additionally, as previously mentioned, issues of judicial protection of the right to a healthy environment fall within the jurisdiction of the ECtHR, which has stated that the environment, without being directly mentioned in the Convention for the Protection of Human Rights and Fundamental Freedoms, is a value that society and public authorities have an interest in preserving [38]. State authorities are obliged to take measures to protect the environment even during armed conflict.

**CONCLUSIONS**

Therefore, it can be concluded that at the current stage, there are certain institutions responsible for ensuring a fair, impartial, and timely resolution of environmental disputes through the court system to effectively protect the right to a healthy environment during an armed conflict. However, the question arises: is the current model of environmental protection optimal?

The analysed judicial practice demonstrates that it is not. In particular, international jurisprudence shows that the environment during an armed conflict is not recognised as an absolute value, as in most cases its destruction has been justified by the principle of military necessity. During armed

[36] Protecting the environment during armed conflict. An inventory and analysis of international law, UNEP.2009. p. 27

[37] The United Nations Compensation Commission (UNCC) URL: https://uncc.ch/uncc-glance

[38] Hamer v. Belgium No 21861/03. URL: https://www.legal-tools.org/doc/09face/pdf/

conflicts, the rules of international humanitarian law prevail as the lex specialis norms with respect to the rules of international environmental law. This implies that during an armed conflict it is permitted to inflict such environmental damage for which, in peacetime, the state or private individuals could be held accountable. This difficulty in attributing responsibility for causing environmental harm arises as a result [39].

The aforementioned once again confirms the assertion that effective international legal regulation of environmental protection and the use of natural resources in modern conditions is a necessary condition for the successful development of mankind. At the same time, mere legislative consolidation of environmental norms and standards is insufficient; an effective law enforcement mechanism is required to implement them in practice. As P. Stein notes, "practically all states, including developing ones, have basic laws on environmental protection, but there is a significant gap between the written law and its actual implementation" [40].

Scientists draw attention to the fact that international environmental law does not apply at all during and after an armed conflict. The history of wars confirms this fact. However, one of the main tasks associated with post-conflict restoration of the environment should be to ensure long-term management in this area. The United Nations Environment Program (UNEP) has the greatest potential in this area, conducting over 20 post-conflict assessments since 1999, in which the environmental consequences of wars in various countries were determined [41].

UNEP prepared the Guidelines for Integrating the Environment into Post-Conflict Needs Assessments in 2009 and established the Post-Conflict and Disaster Management Division, within which it implements the Environmental Cooperation Program for Peacekeeping. The UN Environment Assembly adopted several resolutions on environmental protection, pollution mitigation, and control in areas affected by armed conflict: "Protection of the environment in areas affected by armed conflict" (2016), "On mitigation and control of pollution in areas affected by armed conflict" affected by armed conflict or terrorism" (2017).

[39] Cusato E.T. Beyond Symbolism: Problems and Prospects with Prosecuting Environmental Destruction before the ICC *Journal of International Criminal Justice*. 2017. Vol. 15, issue 3. P. 491-507.

[40] P. Stein (2006) Why judges are essential to the rule of law and environmental protection, in T. Greiber (ed.), Judges and the rule of law. Creating the links: environment, human rights and poverty, IUCN, Gland, Switzerland and Cambridge. URL: https://portals.iucn.org/library/sites/library/files/documents/EPLP– 060.pdf

[41] Military actions in the West of Ukraine are civilizational challenges to humanity URL: http://epl.org.ua/wp-content/uploads/2015/07/1817_WEB_EPL_Posibnuk_ATO_Cover_Ukrainian.pdf

Furthermore, international studies of the environmental damage from armed conflicts were once carried out by the Regional Environmental Centre for Central and Eastern Europe and the World Bank [42]. The reports from these international organisations can be valuable in assessing the environmental consequences of the armed conflict, particularly in the case of Ukraine.

An analysis of the international legal regime in the field of environmental protection during armed conflicts points to several shortcomings and gaps that will not allow preventing harm and effectively protecting the environment during war. Such shortcomings are found both in international humanitarian law and in international environmental law. Researchers emphasise the lack of effective procedural rules and mechanisms that allow such harm to be identified, monitored, documented, and brought to international legal responsibility of the state or individual entities for causing harm to the environment [43]. Additionally, there is no optimal judicial institution that could, on a permanent basis, consider claims regarding environmental damage and provide appropriate remedies to both states and ordinary citizens simultaneously.

At the present stage, there are several factors that highlight the importance and necessity of establishing a permanent, unified judicial body to address issues related to the protection of the right to a healthy environment, including during an armed conflict. These factors include the existence of global environmental threats; local environmental disasters and human-made accidents of various scales, which are the result of another and armed conflict; awareness of threats and risks by political elites and the general population; dissemination of understanding of environmental values in civil society; the expansion of the range of environmental legal relations; the recognition of environmental rights, and the increase in the number of applications for their protection in national and intricate and overly extensive system of international courts.

It should be noted that the system of environmental justice has already experienced significant progress in its formation, development, and improvement. There has recently been a trend towards an increase in the number of specialised courts and tribunals to deal with environmental cases and to take measures to facilitate access to justice for citizens at the national level. The establishment of regional environmental justice and the creation of

[42] Military actions in the West of Ukraine are civilizational challenges to humanity URL: http://epl.org.ua/wp-content/uploads/2015/07/1817_WEB_EPL_Posibnuk_ATO_Cover_Ukrainian.pdf

[43] UNEP, Protecting the Environment during Armed Conflict: An Inventory and Analysis of International Law pp. 34–40.

national environmental courts is a fairly common practice in the world, certainly important, promising, and effective.

However, the same cannot be observed in the practice of international environmental litigation. Although the expediency and necessity of reviewing and improving the existing international system of judicial protection is due to the growing number of environmental disputes and the scale of violations of environmental rights.

The above is of relevance for the protection of the rights to a healthy environment during an armed conflict, since the consequences of such a conflict are global and can endanger the existence of the entire ecosystem of the Earth, and, accordingly, violate the right to a healthy environment of all mankind.

In this context, it is crucial to mention the unprecedent violations of international law by Russia during the ongoing war. The Russian army is committing war crimes against Ukraine and its people, causing significant damage not only to this country's ecosystem, but also to Europe and the world as a whole.

The European Parliament has adopted a resolution on the events in Ukraine, emphasising that deliberate attacks and atrocities committed by Russian forces against Ukrainian civilians, the destruction of civilian infrastructure, and other gross violations of international and humanitarian law, are acts of terrorism and war crimes. In this regard, Russia has been recognised as a state sponsor of terrorism and a state "using the means of terrorism". However, in this context, we are not talking about devastating consequences for the ecosystem and violation of the environmental rights of citizens, which should be the basis for recognising Russia as a state that uses the means of "eco-terrorism". In the decision of the International Court of Justice no. 2023/27 dated June 9, 2023, also does not address violation of the right to a healthy environment during an armed conflict [44].

Moreover, crimes against the natural environment during this war should be recognised as ecocide. It should be emphasised that a particularly severe form of ecocide is military ecocide – this is a violation of the ecosystems of the human habitat as a result of hostilities with a military and political goal, both during international conflicts and non-international conflicts.

The Rome Statute of the International Criminal Court and other international legal acts do not consider "ecocide" as a separate type of crime, although the issue of ecocide as an independent type of international crime became relevant in the 20th century, after the Vietnam War. In December

[44] Allegations of Genocide under the Convention on the Prevention and Punishment of the Crime of Genocide (Ukraine v. Russian Federation) URL: https://www.icj-cij.org/sites/default/files/case-related/182/182-20230609-PRE-01-00-EN.pdf

2019, a written statement by Maldivian MP A. Salim called for climate change victims to be recognised as "an integral part of the international criminal justice system". These facts were the reason for the resumption of the movement towards the criminalisation of ecocide [45].

Professor K. Ambos focused on the usefulness of a separate definition of "ecocide", examining whether the recognition of a new international crime would lead to better environmental protection than "the main existing international crimes that have an environmental component and on which the draft decision on ecocide is partly based". The professor substantiated his position by referring to Article 8(2)(b)(iv) of the Rome Statute of the International Criminal Court, which defines international war crimes against the environment [46]. Consequently, he regards ecocide as a legal phenomenon tantamount to an international war crime against the environment.

However, as pointed out by Christina Voigt in a personal reflection on the results of the work of a group of independent experts, the current reference in the Rome Statute of the International Criminal Court to harm to the natural environment, including harm associated with hostilities, is quite limited, since it does not take into account harm environment, which can be inflicted in peacetime [47].

Such a situation represents an unacceptable gap in the current circumstances, since it leads to the absence of an effective mechanism for holding international environmental criminals accountable, including those who make decisions and carry out criminal orders that cause catastrophic damage during armed conflicts.

The conducted analysis has revealed that the international institutions and existing means were ineffective. They are not able to influence the aggressor and limit his criminal actions, which are aimed at harming the environment.

Moreover, the analysis of previous facts of violation of environmental rights during armed conflicts showed gaps in the regulation and implementation of the right to compensation for environmental damage and restoration of violated environmental rights during the armed conflict already after its end.

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[45] Phillips S. K. Unpacking «Ecocide»: a Note of Caution for International Criminalization. *SEI.* Stockholm. 2021. URL: https://www.sei.org/ perspectives/unpacking-ecocide-international-law/

[46] Ambos K. Protecting the Environment through International Criminal Law. *Blog of the European Journal of International Law.* Oxford, 2021. URL: https://www.ejiltalk.org/protecting-the-environment-through-international– criminal-law/

[47] Voigt C. «Ecocide» as an International Crime: Personal Reflections on Options and Choices. Oxford, 2021. URL: https://www.ejiltalk.org/ecocide-as-an-international-crime-personal-reflections-on-options-and-choices/

Current norms of international criminal law do not ensure the inevitability of punishment for crimes against the environment and have signs of legal uncertainty. Therefore, compensation for damage caused by hostilities to the environment creates a complex legal problem. The practice of the UN also does not contribute to solving the problem. For example, the Office of the UN High Commissioner for Human Rights regularly monitors the situation with human rights in Ukraine, but environmental rights remain outside the reports[48].

That is why an optimal model of the international system for the protection and restoration of environmental rights and an effective mechanism for compensation for environmental damage caused by an armed conflict must be formed.

The basis of the optimal model of the international system for the protection and restoration of environmental rights and an effective mechanism for compensation for environmental damage caused by armed conflict should be a permanent judicial body, such as the International Environmental Court, whose practice will ensure the effectiveness of justice in the field of implementation and enforcement of environmental human rights. In addition, the practice of establishing separate specialised environmental courts at the national level should be actively implemented.

But it is clear that no court can replace the legislative and executive branches of government, which are responsible for the development of environmental laws and regulations, as well as for their successful administrative implementation, which is the basis of the legal protection of the environment during armed conflict. The optimal implementation of environmental law should be based on a balance between the legislative, executive and judicial powers, and should be carried out through the improvement of international environmental policy in general.

In this context, it is worth recalling the words of former UN Secretary General Kofi Annan on the International Day for the Prevention of Exploitation of the Environment in War and Armed Conflicts, who emphasised that, in general, the environmental consequences of war are ignored by modern laws. It is time for us to review international agreements relating to war and armed conflict to ensure that they cover both intentional and unintentional damage to the natural environment [49].

[48] Office of the United Nations High Commissioner for Human Rights. Report on the human rights situation in Ukraine, November 16, 2018 – February 15, 2019.URL: https://www.ohchr.org/Documents/Countries/UA/

[49] Message by former Secretary-General Kofi Annan on the occasion of the International Day for the Prevention of Exploitation of the Environment in War and Military Conflict, November 6, 2006.URL: https://www.un.org/ru/sg/annan_messages/2006/envconflict06.shtml

It is appropriate to point out that the first steps in this direction have already been taken. In particular, the UN Program for Reconstruction and Peacebuilding in Ukraine was developed. This program is supported by ten international partners: the European Union, the European Investment Bank, as well as the governments of many countries around the world [50]. In addition, the EU4Environment Program was developed, which aims to help the countries of the Eastern Partnership to preserve their natural capital and improve the environmental well-being of their population by supporting environmental protection activities, demonstrating, and opening opportunities for greener growth, as well as implementing mechanisms for better management of environmental risks and consequences [51].

In this way, the need to improve international law and justice is emphasised at the expense of: optimisation of the system of norms of international law, especially with regard to provisions on environmental protection during armed conflicts; increasing openness and free access to international judicial structures in the field of solving environmental disputes, possibly due to the formation of a new judicial institution.

In connection with the above, it is considered quite appropriate to support the initiative to create a new court (International Environmental Court). It is worth noting that although this initiative is not new (in particular, the problem of creating a specialised judicial body has been discussed in the scientific community since the 80s of the 20th century), the relevance of this issue is only increasing today.

One of the goals of such an institution is access to international environmental justice for individuals, international non-governmental organisations for the protection of environmental rights since states at the national level are not always able to provide them with the appropriate level of protection.

The following arguments are given in favour of the creation of the International Environmental Court: international environmental law is a very specific branch of international law, so judges must be experts in the field of ecology; the right to access international environmental justice should belong not only to states, but also to international governmental and non-governmental organisations, as well as to individuals.

Opponents of the establishment of the International Environmental Court point out that already existing institutions of international justice are quite capable of resolving international environmental disputes. They are convinced that the establishment of the International Court of Environment is not the

[50] United Nations Development Programme. URL: http://www.ua.undp.org/вміст/Україна/Великобританії/

[51] EU4Environment URL: https://www.eu4environment.org/uk/

most viable alternative to the existing procedure for handling cases. It is more useful to shift the emphasis to a lower level and strengthen national judicial systems in the field of environmental justice [52].

The main problem of the creation of the International Court for the Environment is the problem of determining jurisdiction, since environmental problems are often integrated into transport, trade, and other areas, including those considered in the protection of human rights.

However, the need for the existence of such a court, first, is determined by the task of international humanitarian law – ensuring environmental protection by bringing to justice those responsible for environmental crimes committed during armed conflicts. In addition, it can be noted that the creation of the International Environmental Court will enhance the role of international environmental law in the system of international law, as well as increase responsibility for causing significant damage to the natural environment, both during armed conflicts and in peacetime.

For this, it is necessary to strengthen the environmental cooperation of states and improve the efficiency of existing mechanisms for this cooperation by introducing serious reforms, since it is possible to fight the environmental crisis of the future and prevent (or reduce the consequences) only by joint efforts of all states of the world.

It should be mentioned that the outcome document of the Sustainable Development Summit "Transforming Our World: The 2030 Agenda for Sustainable Development" (2015) notes that there can be no sustainable development without peace, and peace without sustainable development [53]. The Sustainable Development Goals are based on three pillars (economic, social and environmental) and, among other things, declare the protection of the planet, ensuring life under water and on earth, as well as peace and justice [54]. That is why it is appropriate to pay attention to the simplest rule, without which a person cannot exist in the modern world: a person is a part of nature and the world around him, and not dominating it. At the present time of rapid changes, the development of new technologies, market glut, excessive consumption, problems of excessive environmental pollution, especially during armed conflicts, we must concentrate our efforts on developing an

[52] Jennings R. The Role of the International Court of Justice in the Development of International Environment Protection Law URL: https://onlinelibrary.wiley.com/doi/abs/10.1111/j.1467-9388.1992.tb00042.x

[53] Transforming our world: the 2030 Agenda for Sustainable Development, Resolution adopted by the General Assembly on 25 September 2015 A/RES/70/1. URL: https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_RES_70_1_E.pdf.

[54] Birnie P. Redgwell C. International law and the environment. Oxford : Oxford University Press, 2009. 851 p.

optimal mechanism for protecting environmental rights in general and during armed conflicts in particular.

The development of such a mechanism should be guided by the guidelines of the Council of Europe, which state that no one has the right to slowly destroy life, polluting the sources of life and what is necessary for human existence – water, air, outer space, fauna, and flora, or harm our present and, moreover, future well-being and happiness. Although the environment is not everything, its influence is all-encompassing, and it is no longer possible to delay the definition and declaration of human rights and obligations in relation to the environment, and respect for these rights and obligations [55].

Today it is obvious that armed conflicts cause damage to the environment and natural resources not only within the national borders of one state. Armed conflicts damage the entire ecosystem, global facilities and disrupt the ecological balance of our planet as a whole.

The impressive and tragic effects of military conflicts on the environment worldwide have always served as incentives to initiate a settlement of the impact on natural resources and the environment of military operations at the international level. However, as we can observe, the outcomes of the collective endeavours of diplomats, lawyers, politicians, environmentalists, and the military are insufficient. They are currently quite insignificant, and the existing legal documents exhibit shortcomings and, as a result, have limited application.

The legal regulation of environmental protection during hostilities at the international level is fragmentary, and, unfortunately, does not clearly spell out the obligations to carry out environmental monitoring and ensure environmental safety during an armed conflict. The practice of monitoring the results of environmental impacts during and after the completion of military operations at the international level is unsystematic and lacks institutionalisation. Moreover, existing international judicial bodies are unable to guarantee the accountability of aggressor states and provide adequate compensation for the damage caused to the natural resources of all states affected by the war. Therefore, it is time to take action and develop an optimal mechanism to protect the right to a healthy environment during armed conflicts.

**SUMMARY**

The article examines the issue of protecting the right to a healthy environment during armed conflict. It is indicated that the current stage of civilisational development is characterised by the recognition of the importance of the values characteristic of a democratic society. Human rights

[55] L'environnement et les droits de L'Homme URL: https://www.persee.fr/issue/rjen

and the environment emerge as core values, serving as necessary conditions and natural foundations for the existence of civil society as a whole.

Environmental rights are in the focus of attention of most states of the world, since their actual observance and the existence of effective protection mechanisms are an indicator of how the development of the state meets the modern needs of society. Today it is obvious that armed conflicts cause damage to the environment and natural resources not only within the national borders of one state. Armed conflicts damage the entire ecosystem, global facilities and disrupt the ecological balance of our planet as a whole.

The impressive and tragic effects of military conflicts on the environment worldwide have always served as incentives to initiate a settlement of the impact on natural resources and the environment of military operations at the international level. However, as we can observe, the outcomes of the collective endeavours of diplomats, lawyers, politicians, environmentalists, and the military are insufficient. They are currently quite insignificant, and the existing legal documents exhibit shortcomings and, as a result, have limited application. The legal regulation of environmental protection during hostilities at the international level is fragmentary, and, unfortunately, does not clearly spell out the obligations to carry out environmental monitoring and ensure environmental safety during an armed conflict.

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