



# Addressing the Gaps in Legal Protection and Assistance

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May 24, 2016



# Religious Norms

**Old Testament:** “When you are at war, and lay siege to a city for a long time in order to take it, do not destroy its trees by taking the axe to them, for they provide you with food; you shall not cut them down. The trees of the field are not men that you should besiege them.” -- Deuteronomy 20:19

**Judaism:** Principle of *bal tashchit*, a rabbinic interpretation enjoining environmental waste and destruction.

**Islam:** “Do not cut down trees and do not kill animals except for food (in the enemy territory).” -- Tabari, Exegesis of the Qur’an

Some Muslim armies included an officer charged with protecting trees and ensuring prisoners of war are given water.

**Buddhist** and **Hindu** principle of *ahimsa*, mandating avoiding unnecessary harm

→ Influences international law

# International Law Protecting the Environment during Armed Conflict

## International Humanitarian Law

- Protecting the environment during armed conflict
- Constraining inhumane weapons
- Protecting civilian objects and property
- Protecting cultural objects
- Protecting industrial installations containing dangerous forces
- Limiting targeted areas (under occupation, neutral territories, demilitarized zones)

## International Criminal Law

- Rome Statute

## International Environmental Law

## International Human Rights Law

## International Security Law

- UN Charter, UNSC Resolutions



# Gaps

## **Limited provisions**

### **“Long-term, widespread and severe”**

- Not defined
- Unclear whether how much damage would be covered

## **Noninternational armed conflict**

### **Conflict resources**

- Pillage?

## **(Until 20 years ago) Implementation and Enforcement**

# Implementation Measures

**Military guidelines, manuals, and training**

**Lawyers involved in reviewing (“scrubbing”) proposed targets**

**Investigation of impacts**

## **Enforcement**

Ad hoc tribunals

Nuremberg (scorched earth, pillage)

International Criminal Tribunal for the Former Yugoslavia (pillage)

Special Court for Sierra Leone (pillage)

United Nations Compensation Commission (pillage, environmental damage)

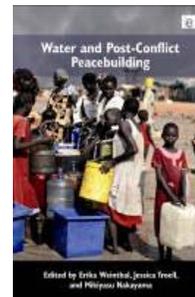
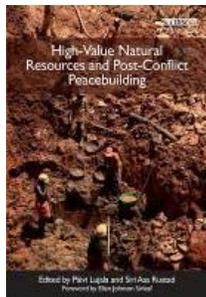
International Court of Justice (re Kosovo; DRC)

International Criminal Court

Domestic courts (increasingly for trade in conflict resources)

# Growing Attention to the Environment in Post-Conflict Peacebuilding

- 150 case studies and analyses
- By 225 authors from 50 countries
- In 6 edited books, totaling 3900+ pages (Earthscan 2012-2016)
  - All cases freely available online six months after initial release:  
[www.environmentalpeacebuilding.com](http://www.environmentalpeacebuilding.com)
  - Drawing upon experiences in >65 countries
- Plus ... a seventh, overarching book (Cambridge University Press 2017)



# Changing Nature of Armed Conflict and Environmental Damage

Noninternational armed conflict

Episodic and prolonged (“never ending wars”)

Internationalized noninternational (e.g., DRC)

Non-inter-national international

→ Dual use justifications

Rise of conflict resources

Breakdown of governance

Impacts on water, land, biodiversity

Weaponry

Depleted uranium



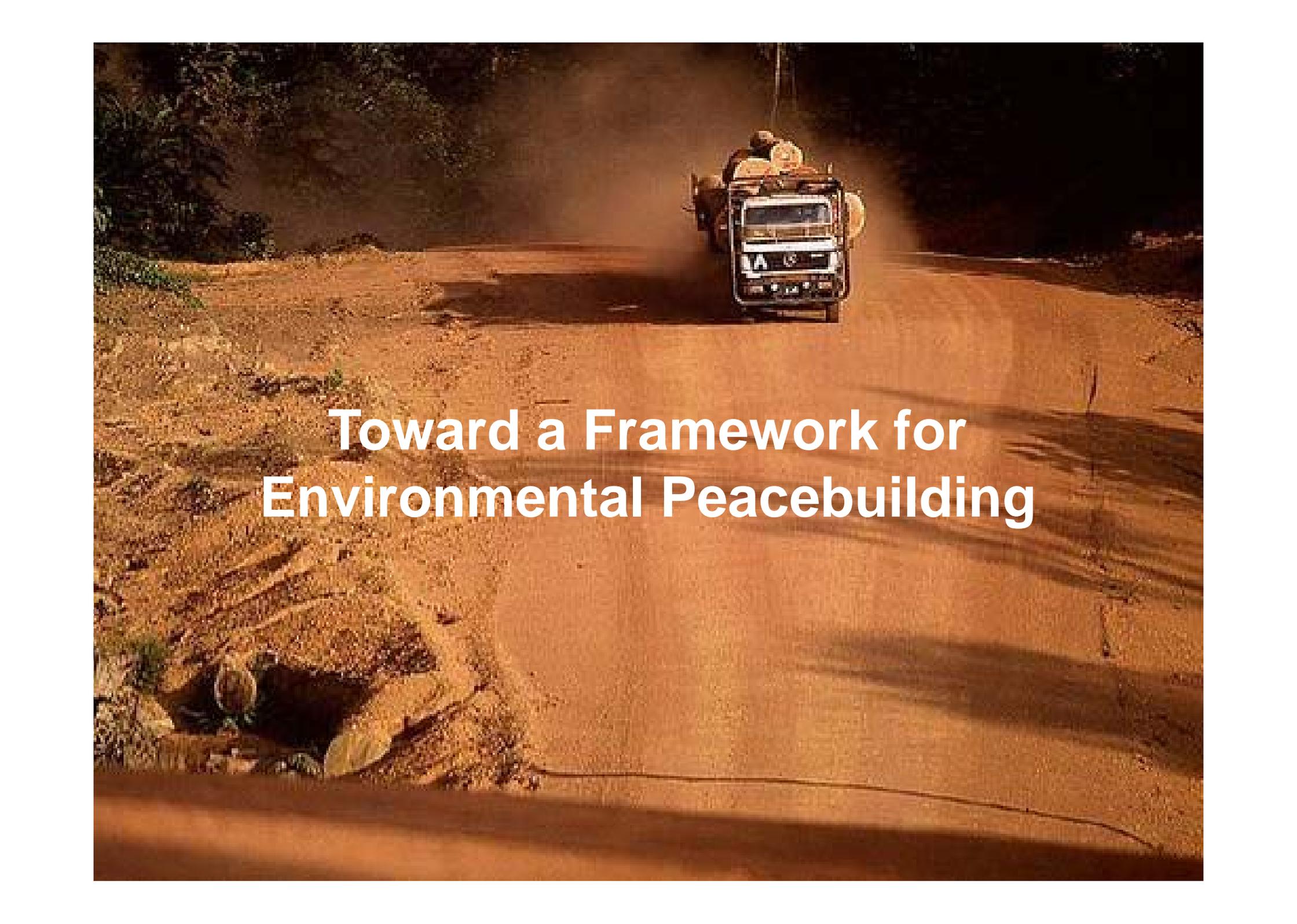
# International Law Commission

## Protection of the Environment in Relation to Armed Conflicts

- Before (2014)
- During (2015)
- After (2016)
- Draft Principles



Amb. Marie Jacobsson  
Special Rapporteur

A photograph of a truck carrying a large load of logs on a dirt road. The truck is moving away from the camera, kicking up a cloud of dust. The road is unpaved and appears to be in a rural or forested area. The text "Toward a Framework for Environmental Peacebuilding" is overlaid in white on the image.

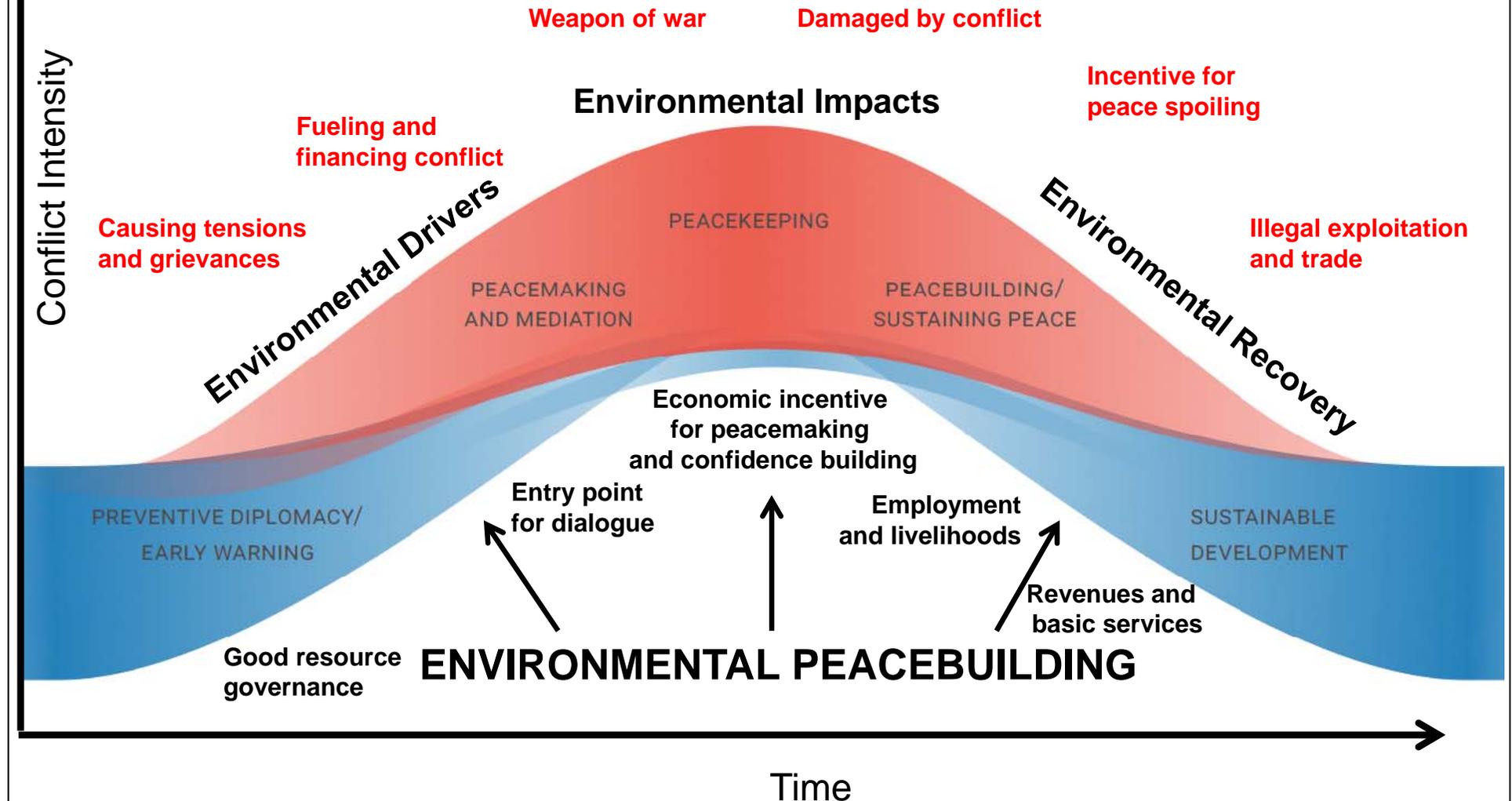
# Toward a Framework for Environmental Peacebuilding

# Environmental Peacebuilding

The process of governing and managing natural resources and the environment to support durable peace.

- Across the conflict lifecycle
  - efforts to prevent, mitigate, resolve, and recover from violent conflict
- Involves
  - renewable natural resources (such as land, water, and fisheries)
  - non-renewable natural resources (such as minerals, oil, and gas)
  - ecosystems (including their services)

# Environmental Dimensions in the Peace and Security Continuum



# Institutionalizing Environmental Peacebuilding

Environmental Peacebuilding Knowledge Platform  
([www.environmentalpeacebuilding.org](http://www.environmentalpeacebuilding.org))

Environmental Peacebuilding Community of Practice (Google Group, Twitter, LinkedIn, Facebook; > 2600 people)

*Environmental Peacebuilding Update* (every 2 weeks)

Environmental Peacebuilding Academy

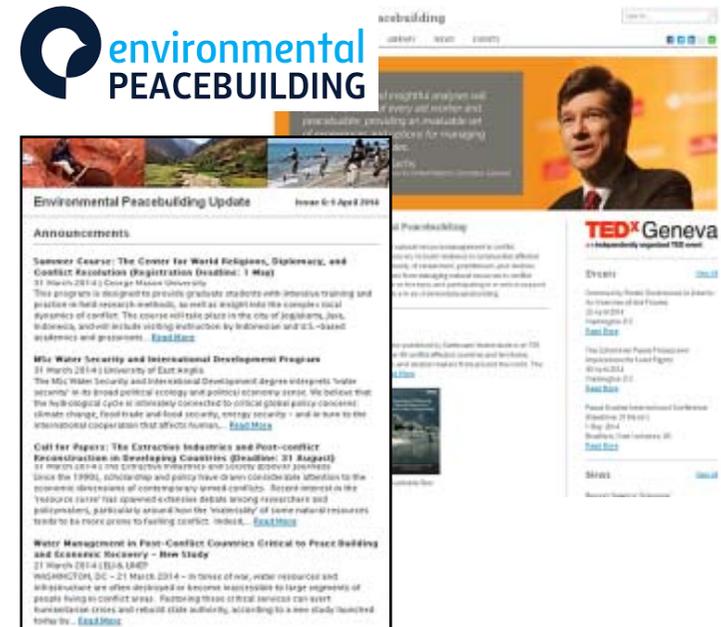
Annual lecture and award on environmental peacebuilding

Communities of practice

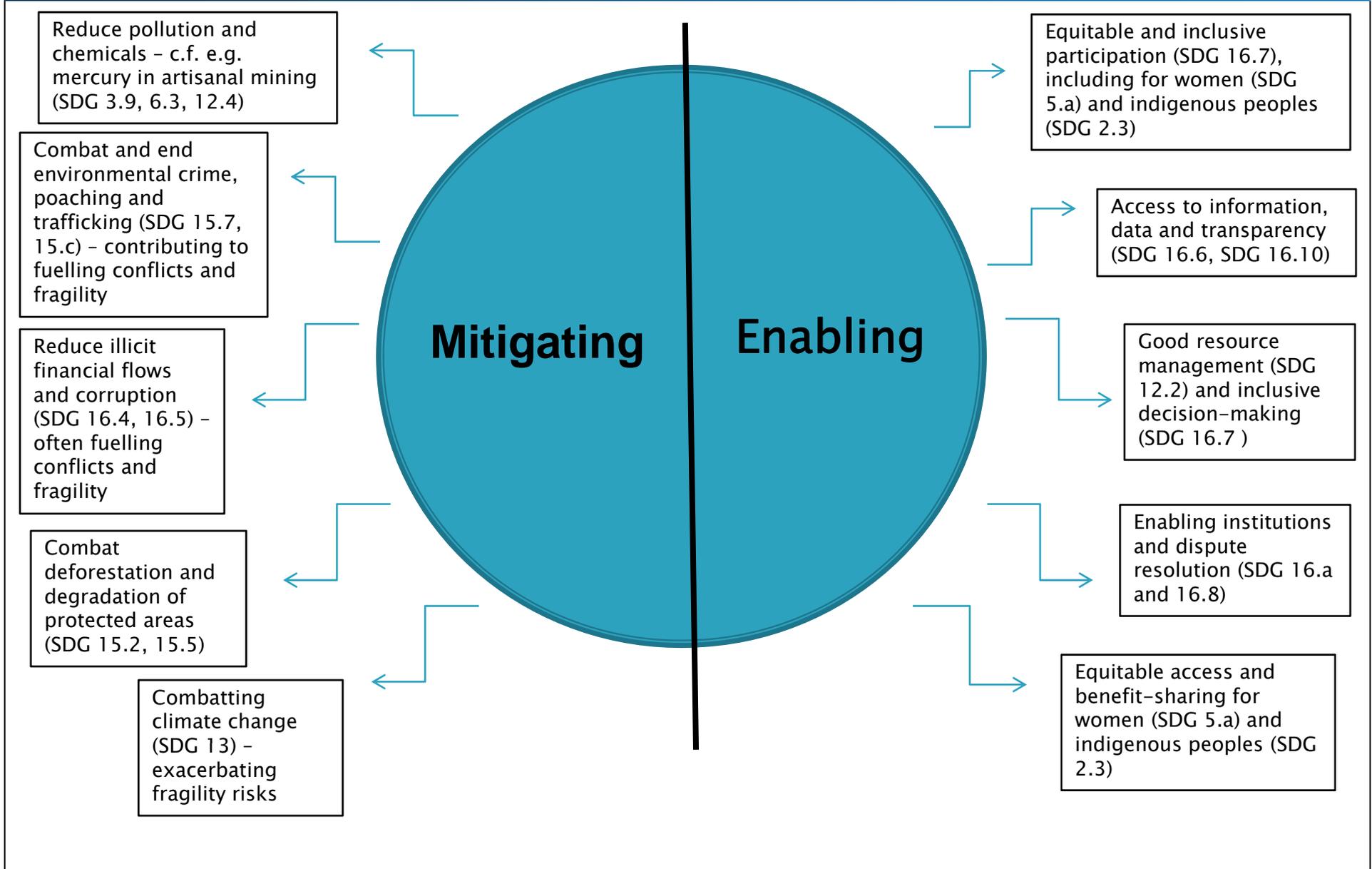
Operational guidance

Massive open online course (MOOC)

On the horizon: a peer-reviewed journal and an annual conference



# SDGs and Environmental Peacebuilding



# Synergies and Challenges

**Many of the SDGs are necessary for peace (SDG 16)**

**Peace (SDG 16) is an enabling condition for other SDGs**

**Post-conflict peacebuilding provides a window of opportunity**

**Avoiding pigeonholes**

In design

In monitoring and evaluation



**Thank you!**

[www.environmentalpeacebuilding.org](http://www.environmentalpeacebuilding.org)