

The Right to a Clean and Healthy Environment in the European Human Rights System: The Impact of the Russia-Ukraine War (Part III)

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Abbreviations	Full terms
ANA	All Nippon Airways
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EIA	Environmental Impact Assessment
ENMOD	Environmental Modification Convention
EU	European Union
GIS	Geographic Information System
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICRC	International Committee of the Red Cross
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
IHL	International Humanitarian Law
LAC	Latin America and the Caribbean
NGO	Non-governmental organisation
OECD	The Organisation for Economic Co-operation and Development
OSCE	Organisations for Security and Co-operation
PACE	The Parliamentary Assembly of the Council of Europe
SERAC	The Social and Economic Rights Action Center
UK	The United Kingdom
UNCC	The United Nations Compensation Commission

UNDP	United Nations Development Programme
UNECE	United Nations Economic Commission for Europe
UNEP	The United Nations Environment Programme
UNGA	United Nations General Assembly
UNIDO	United Nations Industrial Development Organisation
UN	United Nations
US	The United States
UPR	Universal Periodic Review

INTRODUCTION

The ongoing war between Russia and Ukraine has shown how damaging contemporary warfare can be, especially to the environment. It has also shown the need to recognise the right to a healthy environment, and the need to strengthen the protection of this right within the International and European human rights systems.

This report is divided into three parts. The first part of the report discussed the European human rights system and its approach to the right to a clean and healthy environment. The first part of the report also discusses the history of environmental protection under the ECHR, and relevant case law from the ECtHR, where the court stated that pollution and other environmental disturbances affected individuals' well-being and violated their basic human rights. The report also shows the reader global and comparative perspectives and explains how other countries and their legal systems address this issue. The first part of the report concludes that there is a growing need to recognise the right to a healthy environment as a distinct human right.

The main topic of this report and each part of it is the ongoing war between Russia and Ukraine, therefore, the second part of the report is fully dedicated to this war and its impact on the environment, specifically, how air, water, and land pollution harm biodiversity and human well-being. The second part of the report delves deeper into the legal gaps and the lack of accountability, as Russia's withdrawal from the Council of Europe and the European Court of Human Rights make it impossible for Ukrainian people and victims of this war to seek justice and hold the aggressor state accountable. The third and last part of this report aims to dig deeper into the gaps and challenges in the international system for environmental protection during armed conflict which is also based on the war between Russia and Ukraine. Lastly, this part of the report will also suggest the policy recommendations about how to strengthen the existing mechanisms and what are the necessary steps towards the codification of the right to a healthy and safe environment.

4. Gaps and Challenges in the International System for Environmental Protection During Armed Conflict and the Worsening Humanitarian Conditions: The Ukrainian Case

Even though the international and European context shows uncertainties and issues, what is undoubtedly known is the role of environmental conditions caused by war in the drastic worsening of humanitarian conditions.

The following chapter, therefore, places these two fundamental elements in parallel. On the one hand, there are limitations and challenges posed by the legal framework for the protection of the right to live in a clean and healthy environment, which in cases of armed conflict presents significant challenges due to the interactions of different bodies of international law, including IHL and International Environmental Law (IEL).

Subsequently, the serious humanitarian repercussions worsened by the degradation of environmental conditions caused by the conflict will be examined, and specifically, the ongoing situation in Ukraine will be analysed. The case under examination, therefore, highlights how environmental harm not only worsens the humanitarian conditions of the civilian population but also clearly underlines the serious limitations in international and European mechanisms for the protection of the right to a clean, healthy, and sustainable environment under international human rights law.

4.1 Legal Gaps Identified

Despite an increase in attention on the crucial issue of the environment in times and contexts of armed conflict, numerous controversies and limitations still exist regarding the protection of the right to a clean, healthy, and sustainable environment under international human rights law.

The instruments adopted at the international and European level present and share various shortcomings and difficulties in application for an effective and efficient protection of this right, which have also led the UN, through the report, ‘Towards a Global Pact for the Environment’, to the need to investigate regarding a *“technical and expert-based report that identifies and assesses possible gaps in international environmental law and environment-related instruments with a view to strengthening their implementation.”* (UN General Assembly Resolution 72/277, 2018).

While international instruments constitute a solid element of recognition of the right to a clean, healthy, and sustainable environment at the theoretical level, at the same time the European framework does not establish a specific right but instead uses other articles of the *Convention for the Protection of Human Rights and Fundamental Freedoms* for its protection (Kobylarz, 2025). Despite this, the framework established by the European Court of Human Rights (ECHR) presents significant limitations in providing effective protection of the right

to a clean, healthy, and sustainable environment, as the Court is compelled to integrate environmental protection within a framework focused on human rights (Kobylarz, 2025). As things currently stand, the ECHR intervenes in environmental harm cases only if such harm interferes with other human rights, and it is unable to take preventive actions. On the contrary, the establishment of a right to a clean, healthy, and sustainable environment would allow for an expansion of cases, including all situations in which the harm is directed at damaging the environment, even if no human being is harmed (Kobylarz, 2025).

This specific lack within the European context is closely connected to and caused by the problems in the international context. Despite the efforts of the international community since the 1970s in the management and improvement of environmental protection efforts, further improvements are necessary to guarantee full recognition of the right to a clean, healthy, and sustainable environment (Bothe et al., 2010; Demeyere, 2023; Argren, 2023; Rose, 2011). The development of treaties, declarations, and international legal instruments has played a fundamental role, but even today they do not guarantee effective protection of general environmental rights and their non-binding nature or lack of mandatory legal force also prevent adequate implementation of some of the more specific rights previously analysed in Part I and II of this report (Bothe et al., 2010; Ubushieva & Golay, 2024; Argren, 2023).

Moreover, in many human rights organisations, the right to a clean, healthy, and sustainable environment has been recognised as a fundamental precondition for the enjoyment of other human rights, progressively being included in constitutions, legislation, and court decisions, and being reinforced through the ratification of regional treaties (Riaño, 2023). It is useful to remember that in international law, an obligation is created on two specific occasions: when states sign a treaty making the rule binding, or when a norm is commonly considered customary law (Riaño, 2023).

Despite the existence of a substantial normative corpus, the primary issue remains the enforcement of such rules, due to the lack of legal obligations. Their effectiveness largely depends on implementation at the national level (Sands et al., 2018; Argren, 2023). Even so, international efforts constitute a key element in the development of international environmental law, capable of influencing and inspiring action even without creating obligations, while at the same time playing a central role in normative development, fostering legal accountability (Ubushieva & Golay, 2024).

A further weakness of international environmental law is its fragmentation (Voigt, 2019; UNG, 2018). Despite the variety of existing documents drafted by different categories of actors at various levels contributing to a greater understanding and to the dissemination of a shared idea, at the same time, this trend raises serious issues (Ubushieva & Golay, 2024). The legal architecture, in fact, reflects different isolated types of multilateral negotiations of various kinds, sectoral and issue-specific agreements, spatially limited to specific regions, resulting in the risk of inconsistencies, overlaps, and duplications, complicating an effective global and shared implementation and increasing the uncertainty in addressing these matters (Voigt, 2019; Argren, 2023).

Yet, the urgency posed by global challenges requires a unified approach to the right to a clean, healthy, and sustainable environment from different perspectives, from the international to the national level (Ubushieva & Golay, 2024). It thus becomes essential that the international community and individual states make a collective effort to respect, protect, and fulfil this right through management based on boosting human rights approaches grounded in environmental policies (Ubushieva & Golay, 2024). Another problematic element is the integration of IEL- that is, the difficulty posed by its overlap with a variety of other international areas, such as human rights, international law, and in our specific case, with IHL (Sands et al., 2018).

4.1.1 Partial Protections and Legal Gaps: Assessing the Incomplete Environmental Protection in Armed Conflict through the Interaction Between IHL and IEL

In response to events that took place during the Vietnam War, the international community began to progressively recognise the negative impacts on the environment during armed conflicts and prohibit the use of environmental modification techniques to harm the enemy (Bothe et al., 2010; Demeyere, 2023; Argren, 2023; Rose, 2011; Wyatt, 2010). Despite this, the steps in developing a specific legal framework contain numerous ambiguities and deficiencies. Among the most significant steps in lawmaking that address the environment-warfare relationship, it is essential to highlight the 1998 Rome Statute, which, in defining war crimes, also includes provisions for protecting the environment during armed conflicts (Bothe et al., 2010).

Despite this, the general lack of clarity in addressing these issues raises the question regarding the coexistence of IEL and IHL and how their relationship could eventually fill specific gaps (Bothe et al., 2010; van Steenberghe, 2023; Wyatt, 2010). Bothe et al. (2010) argue that the measures protecting the environment during armed conflicts are few and inadequate, identifying three main shortcomings characterising IHL in the matter of environmental protection: the inadequate and ambiguous definition of inadmissible environmental damage, which sets the bar too low; the failure to recognise certain environmental elements as civilian objects; and the difficulty of applying the principle of proportionality in cases of collateral damage (Bothe et al., 2010; Argren, 2023; Demeyere, 2023; Geneva Centre for Human Rights Advancement and Global Dialogue, 2022; Guerra & Fabricio, 2024).

Moreover, IHL still does not provide binding tools to regulate damage to the environment caused in the context of non-international armed conflicts (Wyatt, 2010; Guerra & Fabricio, 2024). It is also necessary to recall that the environmental damage provisions in IHL are binding only for the states parties, placing weak obligations also due to the fact that threats to environmental capabilities are not considered ‘grave breaches’ (Wyatt, 2010). At the same time, there are also limitations within IEL, as it does not provide a detailed description of the consequences in case of violation, stopping at the concept of prevention and reliance on soft law norms, posing crucial difficulties in defining “ex post facto compensation for environmental harm” (Wyatt, 2010, p. 603).

The identification of such structural weaknesses in the application of IHL regarding environmental protection during armed conflicts not only sheds light on a necessary clarification within existing IHL norms but also makes possible a potential integration or horizontal interaction with IEL (Bothe et al., 2010; van Steenberghe, 2023; Wyatt, 2010). Thus, the importance becomes central to test the feasibility of the application of IEL during armed conflicts, since it possesses specific norms and mechanisms better able to protect the environment and, in particular, the right to a clean, healthy, and sustainable environment in times of peace, but its applicability in times of war is still today a matter of academic debate (Bothe et al., 2010; Argren, 2023; van Steenberghe, 2023).

4.2 The Humanitarian Imperative

Following the analysis of the international and European legislative context, the shortcomings and challenges in managing environmental protection at the legal level become clear and specifically the right to a clean, healthy, and sustainable environment, especially in the case of armed conflict. Although the appropriate legislative framework for addressing environmental issues remains unclear, the repercussions of armed conflicts on this matter are evident. The coexistence of environmental degradation and armed conflict is closely connected and poses important humanitarian challenges that require equal attention and action at the international level (Grayson et al., 2023). Recently, environmental degradation has forcefully entered the humanitarian agenda with the progressive realisation that environmental crises are humanitarian crises and that humanitarian organisations must adapt their response to conditions in which human protection becomes central despite the normative framework not proposing guidelines on how to manage the conflict-environmental disaster nexus (Grayson et al., 2023; Guerra & Fabricio, 2024).

Firstly, armed conflicts pose serious challenges regarding the worsening of public health conditions, directly affecting the right to life in general but more specifically threaten the rights to a safe, clean, healthy, and sustainable environment (Kong & Zhao, 2023; The Geneva Centre for Human Rights Advancement and Global Dialogue, 2022; Grayson et al., 2023). Due to the lack of effective regulatory elements as described above, human rights and the environment are particularly vulnerable to threats during conflicts (Kong & Zhao, 2023). The UN Security Council indeed recognises numerous negative impacts of conflicts on the environment, specifically on livestock-grazing areas, fishing grounds, agricultural assets, natural resources, and natural areas (Kapoor & Lewis, 2023).

A fundamentally important element at the international level lies in the fact that the consequences of environmental degradation caused by a conflict are long-term, going beyond the conclusion of hostilities, creating severe threats to the rights to a safe, clean, healthy, and sustainable environment (Guerra & Fabricio, 2024; The Geneva Centre for Human Rights Advancement and Global Dialogue, 2022). Such consequences can be direct, such as the use of explosives, incendiary, chemical toxic weapons, and landmines; but also indirect, caused by activities related to the use of persistent soil contamination with explosive remnants of war, the destruction of essential water treatment infrastructure, and the collapse of

governmental structures that lead to a lack of policies to protect the environment (Guerra & Fabricio, 2024; Krampe et al., 2025; Geneva Centre for Human Rights Advancement and Global Dialogue, 2022).

The destruction of large forest areas or the destruction of chemical and industrial plants also pose serious threats regarding climate change with often irreversible damage to the living conditions of civilians living in those areas (Guerra & Fabricio, 2024; Geneva Centre for Human Rights Advancement and Global Dialogue, 2022; Tang & Spijkers, 2022). The living conditions are so compromised that it is discussed as a potential weaponisation of environmental objectives, precisely because the scope of such attacks not only causes immediate repercussions but also degrading conditions that persist over time (Guerra & Fabricio, 2024; The Geneva Centre for Human Rights Advancement and Global Dialogue, 2022). Such environmental attacks undermine the integrity of fundamental elements to guarantee the right to a safe, clean, healthy, and sustainable environment like air pollution, mining, deforestation, forest fires, degradation of protected areas, and contamination of water and soil (Guerra & Fabricio, 2024; Krampe et al., 2025). Destroying agricultural areas, food industries, and deliberate restrictions on humanitarian assistance are just a few examples of the devastating consequences that targeting environmental objectives can have on the civilian population, limiting the right to food at the same time (Geneva Centre for Human Rights Advancement and Global Dialogue, 2022).

The effects on the environment have a catastrophic impact on the welfare and well-being of civilians, putting at risk livelihoods and the existence of human beings and communities (Geneva Centre for Human Rights Advancement and Global Dialogue, 2022; Kong & Zhao, 2023).



Source: Walking young boy with backpack © Taryn Elliott / Pexels, 2021.

In particular, it is believed that the most affected groups are those already vulnerable such as indigenous peoples, traditional communities, rural and poor populations, displaced people,

women, children, elderly persons, and people with disabilities (Geneva Centre for Human Rights Advancement and Global Dialogue, 2022; Guerra & Fabricio, 2024; Peters & Dupar, 2020; Kong & Zhao, 2023). Weaponising the environment means not only putting the future of younger generations at grave risk in the long term but also compromising the ability of affected communities to access essential services, which worsens in the case of displaced populations, typically settled in ecologically fragile areas.

In this context, the connection with International refugee law is fundamentally important (Guerra & Fabricio, 2024). Affected communities are forced into displacement in search of the resources necessary for their survival, which can lead to a worsening of hostilities also related to ethnic or religious tensions (Guerra & Fabricio, 2024; Krampe et al., 2025; Vliet, 2020). Aggravating the situation is the exclusion of displaced people caused by environmental degradation and other climate-related factors from the 1951 Refugee Convention's definition of refugees. This exclusion has led to a lack of legislation that can guarantee these individuals the proper and necessary rights granted to conventional refugees (Scopp, 2025). Without bridging the gap between international law and the reality of today's problems linked to conflict and the environment, there is a real risk that the millions of people forced to leave will not have their rights to a clean, healthy, and sustainable environment adequately guaranteed (Scopp, 2025).

The role of humanitarian organisations thus becomes central in restoring environmental protection to ensure peace and security, a combination that in recent years has become increasingly recurrent (Tignino & Kebebew, 2023; Guerra & Fabricio, 2024). As stated in the *UN conference on environment and development*, peace, development, and environmental protection are three interdependent and indivisible elements necessary for achieving a just and lasting peace and for respecting the right to a clean, healthy, and sustainable environment (Tignino & Kebebew, 2023; Kron, 2023). As a further complication, assessing and evaluating the impact of environmental damage on public health presents a unique challenge, particularly in terms of accountability and the role of state or non-state actors involved in international and non-international conflicts, which is further complicated by legislative conditions (Kong & Zhao, 2023).

Involving health and the quality of life for the affected population also in a long-term manner, it is essential to establish a legislative framework that is capable not only of reparation for wartime environmental damage but that such reparations are made promptly and effectively (Kong & Zhao, 2023). The lack of effective and sufficient bases for accountability to determine and quantify damage to the environment and consequently to the right to a clean, healthy, and sustainable environment is strictly connected to the lack of functioning governmental apparatus in the affected country and the international system, which do not possess specific standards for determining adequate evidence, precluding effective reparation for environmental damages (Kong & Zhao, 2023).

In conclusion, given the imminent necessity, supported by the millions of affected people and the progressive worsening of humanitarian conditions and of the right to a clean, healthy, and sustainable environment, it becomes evident that the international community requires a legislative framework to be able to account for a situation in which the weaponisation of

environmental objectives is becoming more and more real, driving displacement on an unprecedented scale. Recognising the status of climate refugees becomes essential to guarantee affected populations humanitarian conditions that respect their right to a clean, healthy, and sustainable environment. Recognising the humanitarian imperative and the close connection with environmental conditions is not only necessary but also imminent.

4.3 The Ukraine War as a Warning

The crisis in Ukraine highlights the inherent connection between environmental degradation and human rights abuses, demonstrating the insufficiency of addressing them as distinct issues in the realm of warfare. Military actions have resulted in extensive degradation of air, water, and soil, the loss of industrial and energy infrastructure, and enduring ecological damage that poses direct threats to the health, safety, and livelihoods of impacted populations (UNEP, 2022; Filho et al., 2024). The environmental repercussions lead to widespread displacement and disproportionately affect marginalised populations, illustrating that environmental degradation is not merely collateral damage but a manifestation of systemic violence (Weir, 2020).

The conflict underscores the catastrophic effects of military operations on the environment, encompassing the discharge of toxic materials, pollution of natural habitats and resources, and disruption of ecosystems. The emphasis on protected areas and soil pollution highlights the imperative for specialised management and monitoring strategies to avert analogous environmental degradation in the future. The application of GIS analysis and soil samples offers a systematic strategy for comprehending and mitigating these effects.



Source: People walking on the street © Markus Spiske / Pexels, 2022.

The war functions as an essential warning mechanism by assessing the effects of conflict on natural resources, such as deforestation, reservoir contamination, and alterations in animal migration patterns. The significance of the scientific community in restoration efforts and the critical function of nature reserves for environmental and national security are highlighted (Udovenko, 2023). Udovenko highlights the deficiency of information on ecological threats during military operations and the necessity for readiness to confront future difficulties. Instances of irreparable harm to flora and fauna, particularly in steppe ecosystems, along with effects on migratory avifauna, are presented.

The war illustrates how environmental degradation resulting from warfare can exacerbate threats to ecosystems already strained by climate change, exemplified by water shortages, agricultural disruption, and biodiversity loss. Likewise, climate catastrophes can incite or exacerbate conflict, establishing a detrimental loop. Furthermore, it underscores the hazards to endemic species and ecosystems, as well as the potential for significant environmental degradation, including fires, illicit logging, and chemical contamination. It highlights the necessity for actions to alleviate these impacts and avert future ecological disasters.

Similar patterns are likely to recur in future conflicts, humanitarian crises, and climate-induced emergencies. As such, the recognition and enforcement of the right to a clean, healthy, and sustainable environment, as affirmed by the UN Human Rights Council in Resolution 48/13 (2021), could provide a crucial legal and normative framework for holding perpetrators accountable and reducing impunity. Incorporating this right into international humanitarian and environmental law would not only strengthen protections for ecosystems but also reinforce the indivisibility of human and environmental rights in both conflict and peacetime.

In addition, this serves as a stark warning to global leaders that environmental destruction is no longer a peripheral consequence of conflict but a core dimension of modern warfare, with cascading effects on human rights, public health, and long-term ecological stability. The patterns observed in Ukraine are not isolated; they signal the likely recurrence of similar environmental devastation in future wars, humanitarian crises, and climate-related emergencies unless legal frameworks and accountability mechanisms evolve.

4.3.1 Law Codification and International Law Reform

The war in Ukraine has exposed critical gaps in international law regarding accountability for environmental destruction during conflicts. While existing frameworks provide some basis for prosecuting environmental war crimes, they are often too vague, underenforced, or limited in scope. This section will analyse possible legal reforms to curb future environmental damages during wartime.

Currently, international law lacks strong mechanisms to prosecute environmental war crimes. While the Rome Statute includes limited provisions for wartime environmental damage (Article 8(2)(b)(iv)), enforcement is rare. The UN's International Law Commission (ILC) has proposed principles on environmental protection in conflict, but they remain non-binding. The environmental provisions of the Rome Statute should be expanded. The International

Criminal Court (ICC) currently addresses environmental destruction under Article 8(2)(b)(iv) of the Rome Statute, which criminalises acts causing "widespread, long-term, and severe" damage to the natural environment.

However, this formulation, drawn from the 1976 Environmental Modification Convention (ENMOD) has proven ineffective in practice due to its restrictive criteria. Some scholars have proposed that, to enhance accountability, the ICC's framework should consider lowering the threshold from "widespread, long-term, and severe" to "significant" harm, capturing cases where damage is locally catastrophic but not geographically extensive.

In addition, some schools of thought have also highlighted the need to explicitly include reckless or negligent environmental destruction, rather than requiring proof of intent and integration of ecocide as standalone crime following the definition proposed by the Stop Ecocide Foundation, which emphasises unlawful or wanton acts likely to cause severe environmental harm (Stop Ecocide Foundation, 2024). It is from such reforms that the ICC would align with evolving norms of ecological protection, ensuring that cases like the Kakhovka Dam collapse or the shelling of chemical plants in Donbas could be prosecuted more effectively.

Furthermore, there is a need for the codification of Ecocide in International human rights Law. The concept of ecocide, defined as systematic environmental destruction akin to genocide, has gained traction in legal discourse, particularly through the efforts of the Stop Ecocide Foundation. According to the World Wide Fund for Nature, a formal inclusion of ecocide in the Rome Statute would mark a paradigm shift, recognising environmental harm as a crime against planetary integrity (WWF, 2024). Scholars argue that codifying ecocide in international law will play a vital role in expanding the application of environmental law, covering both wartime and peacetime environmental atrocities, for example, oil spills, soil contamination in conflict zones.

In addition, there could be increased corporate accountability as ecocide laws could target executives and state officials who authorise destructive policies and also open doors for precedent-setting deterring future conflicts where environmental devastation is weaponised (Filho et al, 2024). Historical cases such as the Agent Orange contamination in Vietnam or Iraq's burning of Kuwaiti oil fields illustrate the need for retroactive ecocide liability, a gap that current law fails to address.

Strengthening Human Rights-Based Approaches could also be a strategy to reduce future destruction of the environment. It is important to note that the environmental degradation in Ukraine has grossly violated fundamental human rights, including the right to life (ICCPR Article 6), the right to health (ICESCR Article 12), and the right to a clean environment (recognised by the UN General Assembly in 2022). Regional human rights courts have begun affirming this link. For example, the ECtHR has ruled that environmental harm can breach Article 2 (right to life) and Article 8 (private/family life), as seen in cases like *Budayeva v. Russia* (2008), concerning negligent disaster response. To leverage these precedents, victims of wartime pollution should be empowered to approach regional human rights courts to file claims arguing that environmental destruction constitutes a violation of

their rights and even demand reparation for health impacts, displacement, and livelihood losses caused by ecological damage.

Legal accountability must be coupled with mechanisms to ensure remediation and compensation. The UN Compensation Commission (UNCC), established after Iraq's invasion of Kuwait, offers a model for holding aggressors financially liable for environmental harm. Adapting this framework to contemporary conflicts would require a dedicated Environmental Reparations Fund, financed through seized assets of aggressor states for example frozen Russian reserves for Ukraine, mandatory corporate contributions from industries profiting from conflict (e.g., arms manufacturers, fossil fuel companies) and third-party liability regimes, like the Oil Pollution Act of 1990, to hold private actors accountable for wartime environmental crimes.

5. POLICY RECOMMENDATIONS: PATHWAYS TOWARD CODIFICATION

5.1 Strengthening Existing Mechanisms

5.1.1 Enhance Implementation of UNGA and HRC Resolutions Through UPR Procedure

The first and most obvious course of action that has to be taken is the enforcement of the already existing environmental protection mechanisms. In particular, the Universal Periodic Review (UPR) can be used to monitor the implementation of the measures defined in the United Nations resolutions.

UPR is a procedure of the Human Rights Council during which each UN member state undergoes a periodic review of its human rights record. The process enables countries to showcase the actions they have taken to improve human rights protection within their borders. Moreover, a country can get feedback on the actions it has taken and receive recommendations from other UN Member States for further improvement. The UPR helps hold countries accountable for their implementation of UN recommendations, while also sharing best practices worldwide.

UPR is conducted by the Working Group, which consists of the states-members of the UN Human Rights Council, with any UN member state being free to enter into dialogue with the Working Group during the review. The reviews are based on three types of documents: reports provided by the state under review; reports from UN Special Procedures and human rights treaty bodies; and reports from other stakeholders such as national human rights organisations and non-governmental organisations. The Working Group assesses compliance with Human Rights obligations outlined in the following documents: the UN Charter, the Universal Declaration of Human Rights, human rights treaties to which the state is a signatory, national human rights policies, and international humanitarian law (United Nations Human Rights Council, n.d.).

As it relates to the right to a clean and healthy environment, UPR could be used to enforce compliance with UNGA Resolution on the human right to a clean, healthy and sustainable environment (A/RES/76/300 from 01.08.2022). In particular, during the next UPR round it can focus on the assessment of the implementation of the prescriptions outlined in the Resolution, such as the adoption of “policies, to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all” (UN General Assembly, 2022).

Adherence to the HRC Special Rapporteur on the human right to a clean, healthy and sustainable environment Resolution (A/HRC/RES/55/2 from 03.04.2024) should also be assessed. Similarly to the UNGA resolution, this resolution also emphasises the fact that all signatories are obliged to respect and protect human rights and, in particular, they should take action to address the different environmental harms.

After the assessment of the current level of compliance with the aforementioned documents is concluded, national follow-up plans should be created. These plans can include recommendations that take into consideration the actions already implemented and expand on them, as well as solutions to issues that have not yet been addressed.

The UPR procedure has proven instrumental in driving environmental reforms in certain countries. For example, Mongolia has managed to improve its environmental protections, as outlined in the UPR mid-term implementation assessment. Some of the UPR recommendations were fully implemented, such as the creation of the National Programme on Climate Change (UPR Info, 2013). Others were implemented only partially, such as the recommendation to “step up efforts to improve and conserve the environment” where the laws were updated to include progressive language and were designed for the implementation of the “polluter pays” principle, but the methodologies for damage assessment were not conducive (UPR Info, 2013).

Another example of a country that has benefited from the UPR is Costa Rica, which has also implemented some of the recommendations established as a result of the UPR. One such measure is the creation of a mandate of an independent expert on human rights obligations related to the enjoyment of a safe, clean, healthy, and sustainable environment (UPR Info, 2012). Both Mongolia and Costa Rica received recommendations on the improvement of their efforts in supporting human rights in various areas, including environmental rights, during their mid-term assessment.

5.1.2 Encourage States to Incorporate Environmental Rights Domestically

Apart from the enforcement of compliance with the UN resolutions, countries can also be encouraged to incorporate environmental rights at the national level. The measures can include amendments to strengthen existing legislation, enforcement of environmental impact assessment procedures and adoption of stricter regulations on emissions.

The first step in strengthening the legal recognition of the right to a clean and healthy environment would be to enshrine it as a constitutional right. Some countries have already

incorporated environmental protection into their constitutions, including France, Portugal, Greece, Spain, and others. The experience of those countries can be used to study different approaches to modifying the constitution to include environmental rights.

While enacting constitutional amendments and new legislation can be complex and time-intensive, there are other steps that states can take. One such measure is the encouragement of interpretation of breaches of existing rights (such as the right to life or the right to found a family) in ways that encompass environmental protection.

Environmental impact assessments (EIA) are procedures that are put in place prior to approving any project that can potentially lead to harmful effects on the environment. This mostly concerns infrastructural, industrial or energy projects that have the potential to produce emissions or infringe on important environmental sites. The procedures can include preliminary checks and consultations that produce a comprehensive summary on the level of predicted environmental harm and ways to mitigate it (Morgan, 2012). EIA combined with stricter emission rules will ensure the emergence of more green products and infrastructural projects.

It is also important to note the differences in the economic development priorities and enforcement capacities between the countries. No country should be expected to implement the full scope of environmental rights protection, and thus legislative amendments should be gradual while at the same time reflecting support for incorporating environmental rights in the country's human rights framework.

5.2 European-Specific Recommendations

5.2.1 Recognise the Right to a Clean and Healthy Environment as a Part of ECHR

In the context of European law, the right to a clean and healthy environment should be formally recognised through the adoption of an additional protocol to the ECHR. Since the ECHR was first adopted in 1950, multiple additional protocols have been adopted and ratified separately from the ECHR. The first Protocol was adopted in 1952 and included the enforcement of rights to property, education, and free elections. The most recent protocol No. 16 was adopted in 2013 and introduced the procedure through which the highest domestic courts could seek advisory opinions from the ECtHR (1950).

The most relevant example for the case of environmental protections, however, is Protocol No. 12, which provides protection against discrimination. Protocol No. 12 is significant for two main reasons: firstly, it is a precedent for adding a standalone right to the ECHR, and secondly, it shows that universal consensus is not a requirement for adding a new right to the Convention.

All the amendments prior to Protocol No. 12 included either a set of new rights or procedural amendments. Therefore, it may be hard to advocate for the creation of a new Protocol solely for the purpose of adding a single right. Moreover, some of the other ECHR Articles are now being used to prosecute environmental violations (such as the right to health or the right to

found a family), which, to some, may make the idea of an additional Protocol seem excessive and unnecessary. In fact, prior to the adoption of Protocol No. 12, cases of discrimination were prosecuted through Articles 1, 7 and 26, which provided insufficient protection (Buonomo, 2001). The addition of Protocol 12 shows that the historical development of our society sometimes calls for an extension of the ECHR in order to provide the fullest protection.

The fact that the Protocol No. 12 was not ratified by all the countries (the UK, France and Sweden, for example, refused to do it) shows that progress in certain spheres is possible even without universal agreement between all the European states (Council of Europe, n.d.). In the current political reality, it is important to acknowledge that not all countries will put environmental values at the forefront, and there will be some that will oppose the proposed amendment. However, this is not a reason enough to not take action and contribute to the development of the human rights system in Europe.

5.2.2 Expand ECtHR's Capacity to Adjudicate Transboundary Environmental Harm

As the scope of environmental issues cannot be controlled, they often cross national borders. Environmental deterioration in one country can easily spread across its borders via polluted air or water, or endanger migratory species. This is why the ECtHR must expand its capacity to address transboundary environmental harm. Under the current approach, the court focuses on enforcing “effective control over an area or persons”, which is not an effective mechanism when addressing environmental harm (Arslan, 2022).

One of the earliest examples of transboundary approaches being enforced by judicial bodies is the Trail Smelter case. In this case, the United States of America filed a lawsuit against Canada because of the pollution problem that was located in Washington but was caused by the smelter from Trail, Canada. The courts ruled that Canada was responsible for environmental protections of the bordering state, creating an important precedent (Kerkhof, 2011). Since then, transboundary jurisdiction of courts started to be discussed more and more, and the idea that the nation is responsible for environmental harm it may cause to its bordering nations was introduced. Since then, national courts of many countries have made significant progress and implemented changes that enable them to deal with cases of transboundary harm. For instance, the Inter-American Court of Human Rights made revisions to demonstrate its awareness of transboundary effects of environmental problems (Gailhofer et al., 2023).

Therefore, it is important to provide the ECtHR the capacity to deal with the cases of transboundary environmental harm. Currently, Article 1 of ECHR directs to “secure to everyone within their jurisdiction the rights and freedoms”, which is usually interpreted to limit the jurisdiction to the territory of each state (ECHR, 1950). The Court should be encouraged to expand the interpretation of the term “jurisdiction” in environmental cases.

5.3 The War in Ukraine

5.3.1 Monitor & document environmental harms during the conflict

To obtain an impartial assessment of the environmental impact of the Russia-Ukraine war, comprehensive, independent environmental monitoring programs must be established and maintained. Several international organisations are currently working to monitor and evaluate the scope of environmental damage caused by the war. The United Nations Development Programme and the Government of Sweden have established a Coordination Centre for Environmental Damage Assessment. The primary objective of the Centre was to develop legislation that would facilitate the collection of evidence of environmental harm during the conflict and establish mechanisms for gathering such data (United Nations Development Programme, 2022).

The Centre aims to document and store all the relevant data as well as introduce “a dedicated methodology will be elaborated based on international experience and best practices” (United Nations Development Programme, 2022). While the specific methodologies used by the Centre seem to still be under development, the reports state that its operations now consist largely of creating public awareness programmes and establishing an interactive platform that would store the gathered data and facilitate a cooperative approach to its analysis.

Another UN initiative, founded by the United Nations Economic Commission for Europe (UNECE) comprises UNEP, OECD, UNDP, UNIDO, the World Bank and OSCE. The goals of this formation are to develop proper assessment frameworks and data gathering techniques. The initiative is more transparent about the actual methodologies being used. For example, it held seminars on the use of Earth observation techniques and remote sensing to implement this technology in environmental monitoring of the Russia-Ukraine conflict (UNECE, n.d.).

Apart from international initiatives, Ukraine’s government agencies have also made significant contributions to documenting ecological damage in Ukraine. For example, a public platform called EcoZagroza was created by Ukraine’s Ministry of Environment with the support of the Ministry of Digital Transformation. The platform collects and stores reports on environmental threats resulting from the Russia-Ukraine war, enabling citizens to report environmental issues in real-time (EcoZagroza, n.d.).

Another similar platform called Ecodozor is an information system created with the help of Zoï Environment Network, OSCE, REACH humanitarian initiative and UNEP. The project is created in the form of an interactive map that shows information on different cases of environmental damage based on reports from media, academia, civil society and other sources. The accuracy of the entries is being verified; however, the project plans to use field-based site investigations and sampling when such procedures become possible. (Ecodozor, n.d.)

The best line of action in this regard would be to work to keep up all the above-mentioned efforts to collect and store data about environmental harms that the country sustains during the war. A good addition would be a public campaign that encourages citizens to come

forward with their stories, as well as to utilise available resources to report environmental rights breaches in real-time.

Of course, a full assessment of the impact of the war on the environment will be possible only after the conflict has ended. When it happens, it will be of utmost importance to direct all the mentioned initiatives and organisations to utilise their resources to perform a comprehensive evaluation of the environmental situation in Ukraine.

5.3.2 Integrate environmental restoration in post-war reconstruction and co-operate with stakeholders

After the war is over, the integration of environmental restoration in the plans of post-war reconstruction will have to be made. It is essential to recognise that at the forefront of any post-war restoration program will always be the revitalisation of the country's economy. While acknowledging this fact, it is essential to make environmental recovery a core pillar of international aid and reconstruction plans, and to strive to maintain this balance.

Ukraine, together with its partners, has already come up with approximate estimations of the costs of post-war rebuilding as well as with preliminary recovery plans. In particular, the plans include the development of renewable energy to achieve energy independence, decarbonising domestic industrial processes, and the development of greener road infrastructure, among other measures that align with the 2015 Paris Agreement and the 2030 Agenda for Sustainable Development (Hryhorczuk, D. et al., 2024).

Taking into consideration the general recommendations of UNEP's Expert Advisory Group on Environment, Conflict and Peacebuilding, systematic environmental monitoring after the resolution of the conflict should be upheld (UNEP, 2009). It is important to stay on the course of the centrality of the environment in the reconstruction process, and different governmental and international organisations, as well as NGOs, can create responsible groups that will conduct those periodic assessments.

It is also crucial to manage natural resources responsibly during post-war restoration. This recommendation is especially true for Ukraine in light of its recent Mineral Resources Agreement with the US. As mining for the minerals begins, it will be crucial to balance the country's economic interests with its post-war recovery and environmental aspirations.

Ukraine can also turn to countries that had to undergo the same post-war restoration and employed solutions that were somewhat effective for their time. For example, the UNEP-supported cleanup program in post-war Serbia can present insights into balancing national and international environmental frameworks (Conca, 2009).

Cooperation with key stakeholders can help Ukraine to better equip itself to establish and assess the environmental legacy of the war. To do this, Ukrainian Ministries of Environment and Infrastructure should engage in joint projects with the EU institutions and international NGOs. Ukraine is already engaging with stakeholders in a fair amount, and these efforts should be maintained and strengthened.

Moreover, knowledge production on the topic of environmental restoration needs to be fostered through the cooperation of Ukrainian higher education institutions with international ones. Joint research programs and projects will help inform Ukrainian policymaking and provide valuable knowledge from researchers located in the country, who can conduct the most in-depth on-site research.

5.4 Role of Civil Society and Advocacy

5.4.1 Promote awareness and track violations

It is essential to raise awareness about the recognition of environmental rights as human rights. Advocacy campaigns can be conducted in schools, public organisations, and the media.

A 2018 OECD study showed that students tend to be overly optimistic towards climate problems, hoping that they would be able to “resolve themselves” (OECD, 2022). This finding signals insufficient knowledge of environmental problems and threats among young people, which may lead to dangerous consequences if not remedied. This is why it is important to introduce more science and environment-oriented study programs and courses to build the knowledge and understanding of those issues from an early age. Moreover, pro-environmental attitudes need to be encouraged and incorporated in the day-to-day operations of educational facilities.

A great example of incorporating sustainability in curricula is the Learning for Sustainability framework that was adopted by the European Council as a part of Resolution on a Strategic Framework for European Cooperation in Education and Training towards the European Education Area and Beyond. The program helps the EU countries to incorporate environmental learning into their curricula and promotes non-formal forms of education on the topics of the environment (European Commission, 2024).

At the national level, countries should strive to create international campaigns that explain how environmental deterioration infringes on human rights and harms the future of our society. Raising awareness is important not only among the younger generation but also among all other generations. This can be achieved, for example, by introducing social advertising on the streets and in public institutions.

Civil society engagement can be instrumental in establishing the recognition of the right to a clean and healthy environment. This is why it is important to encourage collaboration among NGOs, lawyers, and environmental experts to gather admissible evidence of breaches of environmental protection laws.

Some of the organisations, the work of which should be taken as an example, are Global Witness, ClientEarth, and Truth Hounds. They organise a wide variety of activities, ranging from research to awareness-raising campaigns. The creation of new similar organisations should be encouraged, and already existing ones should get more support and financing. The data gathered by such organisations can also be used to build legal cases against polluters.

5.4.2 Provide legal recognition of ecocide as a crime

The next step after codification of the right could be the recognition of ecocide as a crime and its inclusion in the Rome Statute of the ICC. The idea is not new, as the inclusion of environmental rights to the Statute was discussed at the time of its creation, but it was abandoned, as it is speculated, due to the rise of nuclear weapons (Mehta et al., 2015).

When the term was first coined after World War II and the Vietnam War, ecocide was perceived more as a wartime crime. Years later, the idea of recognising ecocide as a crime resurfaced and public discussions started once more. This time the crime of ecocide is framed not only as a wartime crime, but also as a consequence of the rising numbers of produced goods and other day-to-day operations.

The Pacific Island nation of Vanuatu has already taken several steps to have ecocide recognised as a crime. The country first raised the question at the 18th session of the Assembly of States Parties to the Rome Statute in December 2019. Following this, the concept gained traction and support from various stakeholders, including politicians, academics, and citizens (Mehta et al., 2015).

In June 2021, the Independent Expert Panel at the Stop Ecocide Foundation proposed its definition of ecocide as “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts” (Stop Ecocide International, 2021). Later, in 2024, Vanuatu, along with Fiji and Samoa, made a formal proposal to include the crime of Ecocide in the Rome Statute “to fully address the worst cases of environmental harm, both in times of conflict and of peace” (Vanuatu’s Statement, 2024).

Since the International Court was created to try crimes against peace, such as war crimes, genocide and crimes against humanity, the addition of the crime of ecocide to this list seems like the natural next step, considering environmental abuses of the last few decades. Recognition of ecocide as a crime for which one can be prosecuted by the ICC would make it possible to hold accountable states, organisations and decision-makers that contribute to environmental deterioration. Apart from introducing ecocide into the ICC’s jurisdiction, national initiatives to prosecute or legislate against ecocide should be encouraged.

CONCLUSION

From the report above, it is justifiable to conclude that the ongoing war in Ukraine has inflicted severe environmental damage, particularly on protected areas. Approximately 20 percent of Ukraine's nature reserve fund has been affected, with widespread destruction of natural habitats, contamination of water, soil, and air, and disruption of ecosystems. The war has caused an estimated 56.4 billion dollars in environmental damage, contaminating 30 percent of Ukraine with landmines and unexploded ordnance. Protected areas have suffered from soil disturbances, fortifications, vegetation destruction, and wildfires due to military activities. The Donetsk region, home to many early nature reserves, has experienced significant impacts, with protected areas classified as fully occupied, partially liberated, liberated, or not occupied. Remote sensing and satellite imagery have been crucial in assessing environmental damage in inaccessible areas, highlighting the urgent need for environmental protection during conflicts.

It is critical to note that the war in Ukraine is not just a humanitarian catastrophe; it is a climate and environmental crisis with global implications. More critically, it serves as an early warning system for global leaders that following conflicts, whether sparked by geopolitical disputes or climate-induced displacement, will bring similar patterns of environmental harm unless the right to a healthy environment is legally protected and enforceable, as mentioned in the first part of the report. In short, the Ukraine war is a dress rehearsal for the kind of crises the world may face with increasing frequency unless urgent action is taken to bridge the legal gap between environmental protection and human rights.

Furthermore, it is imperative to note that, based on the above evidence, it becomes clear that the existing international humanitarian legal framework, particularly under the Geneva Conventions and Additional Protocol I, provides some environmental protections.

However, these protections are limited by high thresholds, vague enforcement mechanisms, and deference to military necessity. Russia's withdrawal from the Council of Europe and its refusal to comply with ECtHR rulings further exacerbate the accountability gap. This means that millions of victims of environmental harm have no practical means of accessing justice or redress. The war further exposes a significant failure of international law to adequately prevent or respond to environmental destruction in armed conflict. As the impacts of ecological damage become more visible and long-lasting, it is no longer acceptable to treat the environment as a silent casualty of war. It must be recognised and protected as a vital element of human survival, dignity, and justice.

BOOKS

- Gailhofer P et al, 'Chapter 1. Introduction' in P Gailhofer, D Krebs, A Proelss, K Schmalenbach and R Verheyen (eds), *Corporate Liability for Transboundary Environmental Harm: An International and Transnational Perspective* (Springer 2023) 3.
- Sands P, Peel J, Fabra A and Mackenzie R, *Principles of International Environmental Law* (4th edn, Cambridge University Press 2018).
- Tigre MA, 'The Right to a Healthy Environment in Latin America and the Caribbean: Compliance Through the Inter-American System and the Escazú Agreement' in C Voigt and C Foster (eds), *International Courts Versus Non-Compliance Mechanisms* (Cambridge University Press 2024) 262.
- Vliet JMM van der, *The International Legal Protection of Environmental Refugees: A Human Rights-Based, Security and State Responsibility Approach* (Meijers-reeks, Eleven International Publishing 2020) <<https://hdl.handle.net/1887/87594>> accessed 21 May 2025.

ARTICLES

- Argren R, 'The Obligation to Prevent Environmental Harm in Relation to Armed Conflict' (2023) 105 *International Review of the Red Cross* 1208.
- Arslan KB, 'The Extraterritorial Application of Human Rights Treaties in the Context of Environmental Transboundary Harm' (2022) *Public and Private International Law Bulletin* <<https://doi.org/10.26650/ppil.2022.42.1.1002432>>.
- Bothe M, Bruch C, Diamond J and Jensen D, 'International Law Protecting the Environment During Armed Conflict: Gaps and Opportunities' (2010) 92 *International Review of the Red Cross* 569.
- Buonomo F, 'Protocol 12 to the European Convention on Human Rights' (2001) 1(1) *European Yearbook of Minority Issues Online* 421.
- Conca K and Wallace J, 'Environment and Peacebuilding in War-torn Societies: Lessons from the UN Environment Programme's Experience with Postconflict Assessment' (2009) 15(4) *Global Governance* 485.
- Demeyere B (ed), *Protecting the Environment in Armed Conflict* (2023) 105 *International Review of the Red Cross* <<https://doi.org/10.1017/S1816383123000411>>.

- Grayson C-L, Khouzam A, Jayamaha N and Julmy S, 'The Climate and Environment Charter for Humanitarian Organizations: Strengthening the Humanitarian Response to the Climate and Environment Crises' (2023) 105 International Review of the Red Cross 1227.
- Guerra SCS and Fabrício AS, 'The Conflict-Sensitive Approach Applied to the Mitigation of Environmental Degradation Arising from Armed Conflicts' (2024) 29 Revista Direitos Fundamentais & Democracia 33.
- Hryhorczuk D, 'The Environmental Health Impacts of Russia's War on Ukraine' (2024a) 19(1) Journal of Occupational Medicine & Toxicology 1
<<https://doi.org/10.1186/s12995-023-00398-y>>.
- Kapoor R and Lewis DA, 'The Practice of the UN Security Council Pertaining to the Environment and Armed Conflict, 1945–2021' (2023) 105 International Review of the Red Cross 1646.
- Kerkhof M, 'The Trail Smelter Case Re-examined: Examining the Development of National Procedural Mechanisms to Resolve a Trail Smelter Type Dispute' (2011) 27(73) Utrecht University School of Law 68.
- Kong L and Zhao Y, 'Remedying the Environmental Impacts of War: Challenges and Perspectives for Full Reparation' (2023) 105 International Review of the Red Cross 1441.
- Krampe F, Kreutz J and Ide T, 'Armed Conflict Causes Long-Lasting Environmental Harms' (2025) 1 Environment and Security 1.
- Kron A, 'At the Frontlines of Implementing the Right to a Healthy Environment: Understanding Human Rights and Environmental Due Diligence in Relation to Armed Conflicts' (2023) 105 International Review of the Red Cross 1623.
- Mehta S and Merz P, 'Ecocide – A New Crime Against Peace?' (2015) 17(1) Environmental Law Review 3.
- Morgan RK, 'Environmental Impact Assessment: The State of the Art' (2012) 30(1) Impact Assessment and Project Appraisal 5 <<https://doi.org/10.1080/14615517.2012.661557>>.
- Rose, G. (2011). Interlinkages between Multi-Lateral Environmental Agreements: International Compliance Cooperation. In L. Paddock, Du.Qun, Louis J. Kotzé, D. L. Markell, K. J. Markowitz, and D. Zaelke (Eds.), Compliance and Enforcement in Environmental Law. The IUCN Academy of Environmental Law series
- Tang, K., & Spijkers, O. (2022). The Human Right to a Clean, Healthy and Sustainable Environment. Chinese Journal of Environmental Law, 6(1), 87-107.
<<https://doi.org/10.1163/24686042-12340078>>.

Tignino M and Kebebew T, 'A Galaxy of Norms: UN Peace Operations and Protection of the Environment in Relation to Armed Conflict' (2023) 105 International Review of the Red Cross 1543.

van Steenberghe R, 'International Environmental Law as a Means for Enhancing the Protection of the Environment in Warfare: A Critical Assessment of Scholarly Theoretical Frameworks' (2023) 105 International Review of the Red Cross 1568.

Walter Leal Filho J, Fedoruk M and Lisovska T, 'War in Ukraine: An Overview of Environmental Impacts and Consequences for Human Health' (2024) 3 Frontiers in Sustainable Resource Management.

Wyatt J, 'Law-making at the Intersection of International Environmental, Humanitarian and Criminal Law: The Issue of Damage to the Environment in International Armed Conflict' (2010) 92 International Review of the Red Cross 593.

BLOGS

Kobylarz N, 'Why Recognizing the Right to a Healthy Environment Would Strengthen the Environmental Human Rights Framework under the European Convention on Human Rights' (*Verfassungsblog*, 7 April 2025)
<<https://verfassungsblog.de/ip-hr2he-recognizing-right-would-strengthen-echr/>> accessed 23 May 2025.

Scopp M, 'Climate-Induced Displacement: Establishing Legal Protections for Climate Refugees' (5 February 2025) Human Rights Research Center
<<https://www.humanrightsresearch.org/post/climate-induced-displacement-establishing-legal-protections-for-climate-refugees>> accessed 21 May 2025.#

WEBSITES

Puentes Riaño A, 'Healthy Environment: A Human Right and Customary International Law' (5 December 2023) SDG Knowledge Hub
<<https://sdg.iisd.org/commentary/guest-articles/healthy-environment-a-human-right-and-customary-international-law/>> accessed 21 May 2025.

Stop Ecocide International, Historic Moment as Independent Expert Panel Launches Definition of Ecocide (*Stop Ecocide International*, June 2021)
<<https://www.stopecocide.earth/legal-definition>> accessed 27 May 2025.

WWF, Assessing the Environmental Impacts of the War in Ukraine (*WWF*, 2024)
<<https://wwfcee.org/our-offices/ukraine/assessing-the-environmental-impacts-of-the-war-in-ukraine>> accessed 27 May 2025.

REPORTS

- European Commission, 'Monitoring Learning for Sustainability: Developing a Cross-EU Approach' (European Commission, April 2024)
<<https://op.europa.eu/en/publication-detail/-/publication/214cd459-343c-11ef-b441-01aa75ed71a1/language-en>> accessed 15 May 2025.
- Geneva Centre for Human Rights Advancement and Global Dialogue, Armed Conflict, Environment and Human Rights (Geneva Academy of International Humanitarian Law and Human Rights 2022)
- OECD, Are Students Ready to Take on Environmental Challenges? (*PISA*, OECD Publishing 2022) <<https://doi.org/10.1787/8abe655c-en>>.
- Peters K and Dupar M, The Humanitarian Impact of Combined Conflict, Climate and Environmental Risks: Highlights and Recommendations from a High-Level Side Event at the 75th United Nations General Assembly (United Nations Office for the Coordination of Humanitarian Affairs, December 2020).
- Ubushieva A and Golay C, Research Brief: The Human Right to a Clean, Healthy and Sustainable Environment – Understanding Its Scope, States' Obligations and Links with Other Human Rights (Geneva Academy of International Humanitarian Law and Human Rights, March 2024).
- UN Environmental Programme, The Environmental Impact of the Conflict in UKraine: A Preliminary Review (October, 2022)

LEGISLATION

- Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (adopted 10 December 1976, entered into force 5 October 1978) 1108 UNTS 151.
- Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights, as amended) (adopted 4 November 1950, entered into force 3 September 1953) ETS No 005
- International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171.
- International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3.

Protocol No 1 to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 20 March 1952, entered into force 18 May 1954) ETS No 009.

Protocol No 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 4 November 2000, entered into force 1 April 2005) ETS No 177.

Protocol No 16 to the Convention for the Protection of Human Rights and Fundamental Freedoms (adopted 2 October 2013, entered into force 1 August 2018) CETS No 214.

Rome Statute of the International Criminal Court (adopted 17 July 1998, entered into force 1 July 2002) 2187 UNTS 3.

SOFT LAW

UNGA Res 72/277 (10 May 2018) Towards a Global Pact for the Environment UN Doc A/RES/72/277

UN General Assembly, ‘The Human Right to a Clean, Healthy and Sustainable Environment’, UNGA Res 76/300 (28 July 2022).

UN Human Rights Council, ‘Recognition of the Human Right to a Clean, Healthy and Sustainable Environment’, UNHRC Res 48/13 (48th sess, 2021) UN Doc A/HRC/RES/48/13.

Human Rights Council, ‘Resolution on the Special Rapporteur on the Human Right to a Clean, Healthy and Sustainable Environment’, UNHRC Res 55/2 (55th sess, 2024) UN Doc A/HRC/RES/55/2.

Vanuatu, Statement at the Twenty-Third Session of the Assembly of States Parties to the Rome Statute: General Debate (3 December 2024)

JURISPRUDENCE

CASE LAW

Budayeva and Others v Russia App nos 15339/02, 21166/02, 20058/02, 11673/02 and 15343/02 (ECtHR, 20 March 2008).

COUNCIL OF EUROPE OFFICIAL STATEMENTS AND REPORTS

Council of Europe, ‘Emerald Network of Areas of Special Conservation Interest - Convention on the Conservation of European Wildlife and Natural Habitats’ (no date)
<<https://www.coe.int/en/web/bern-convention/emerald-network>> accessed 20 May 2025.

UN BODIES OFFICIAL STATEMENTS AND REPORTS

United Nations Development Programme, Mitigating the Risks of Long-Term Environmental Disasters in Ukraine Through the Establishment of a Coordination Centre on Environmental Damage Assessment (2022) <<https://open.undp.org/projects/00144016>> accessed 27 May 2025.

United Nations General Assembly (2018). Towards a Global Pact for the Environment (A/RES/72/277 from 10.05.2018).

United Nations Human Rights Council, Universal Periodic Review (no date)
<<https://www.ohchr.org/en/hr-bodies/upr/upr-home#:~:text=Media-,Universal%20Periodic%20Review,%20rights%20records%20every%204.5%20years>> accessed 23 May 2025.

Universal Periodic Review Info, Mongolia: Mid-Term Implementation Assessment (2013)
<<https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>> accessed 27 May 2025.

Universal Periodic Review Info, Costa Rica: Mid-Term Implementation Assessment (2012)
<<https://www.ohchr.org/en/hr-bodies/upr/upr-implementation>> accessed 27 May 2025.

MISCELLANEOUS

Ecodozor (no date) <<https://www.ecodozor.org/index.php?lang=en>> accessed 20 May 2025.

EcoZagroza (no date) <<https://ecozagroza.gov.ua/en/about>> accessed 20 May 2025.