

 <p>REVISTA MOLDOVENEASCĂ DE DREPT INTERNAȚIONAL ȘI RELAȚII INTERNAȚIONALE Chișinău, Republica Moldova</p>	<p>Revista Moldovenească de Drept Internațional și Relații Internaționale / Moldavian Journal of International Law and International Relations / Молдавский журнал международного права и международных отношений</p> <p> </p> <p>2026, Issue 2, Volume 22, Pages 207-216. ISSN 1857-1999 EISSN 2345-1963 Submitted: 02.04.2026 Reviewed 12.05.2026 Accepted: 20.05.2026 Published: 01.06.2026 https://doi.org/10.61753/1857-1999/2345-1963/2026.22-2.16</p>
---	---

**„2025 INTERNATIONAL HUMANITARIAN LAW
ESSAY COMPETITION”**

**"CONCURS DE ESEURI PRIVIND DREPTUL
INTERNAȚIONAL UMANITAR 2025"**

**„КОНКУРС ЭСЭЕ ПО МЕЖДУНАРОДНОМУ
ГУМАНИТАРНОМУ ПРАВУ 2025 ГОДА”**

**INTERNATIONAL HUMANITARIAN LAW AND THE PROTECTION
OF THE NATURAL ENVIRONMENT: LEGAL STANDARDS
AND APPLICATION ISSUES**

**DREPTUL INTERNAȚIONAL UMANITAR ȘI PROTECȚIA MEDIULUI
NATURAL: STANDARDE JURIDICE ȘI PROBLEME DE APLICARE**

**МЕЖДУНАРОДНОЕ ГУМАНИТАРНОЕ ПРАВО И
ЗАЩИТА ОКРУЖАЮЩЕЙ СРЕДЫ: ПРАВОВЫЕ
СТАНДАРТЫ И ПРОБЛЕМЫ ПРИМЕНЕНИЯ**

BUTORINA Valeria* / BUTORINA Valeria / БУТОРИНА Валерия
<https://orcid.org/0009-0002-3564-1513>

ABSTRACT:

**INTERNATIONAL HUMANITARIAN LAW AND THE PROTECTION OF THE
NATURAL ENVIRONMENT: LEGAL STANDARDS AND APPLICATION ISSUES**

This work analyses the international humanitarian law (IHL) role in protecting the environment from serious damage caused as a result of international and non-international armed conflicts. The norms that protect environment are included in treaty law, customary international humanitarian law (CIHL), and in secondary provisions of international criminal law.

The work also examines the obligations of states and non-state armed groups (NSAGs) in respect of environmental protection. Those include taking preventive measures, implementing possible precautions during hostilities, and ensuring post-conflict restoration and accountability. Such system aims to mitigate destruction, ensure accountability, and preserve the environment for future generations.

Keywords: international humanitarian law, environment, armed conflicts, environmental damage, non-state armed groups, restoration.

* **BUTORINA Valeria** - Jurist stagiar, masterand, programul Drept Internațional, Facultatea de Drept, Universitatea de Stat din Moldova. (Chișinău, Republica Moldova). / **BUTORINA Valeria** - Trainee Lawyer, Master's Student, International Law Program, Law Faculty, Moldova State University. (Chisinau, Republic of Moldova). / **БУТОРИНА Валерия** - Юрист-стажер, магистр, программа международного права, юридический факультет, государственный университет Молдовы. (Кишинев, Республика Молдова). E-mail: valeriabutorina@gmail.com ; <https://orcid.org/0009-0002-3564-1513>

JEL Classification: K10, K33; K32

Universal Decimal Classification: 342.7; 341; 349.23/24; 341.3

<https://doi.org/10.61753/1857-1999/2345-1963/2025.22-2.16>

РЕЗУМАТ:

**DREPTUL INTERNAȚIONAL UMANITAR ȘI PROTECȚIA MEDIULUI NATURAL:
STANDARDE JURIDICE ȘI PROBLEME DE APLICARE**

Prezenta lucrare analizează rolul dreptului internațional umanitar (DIU) în protejarea mediului împotriva daunelor grave cauzate de conflictele armate internaționale și neinternaționale. Normele care protejează mediul sunt incluse în tratatele DIU, în dreptul internațional umanitar cutumiar (DIHC) și în prevederile secundare ale dreptului internațional penal.

Lucrarea examinează, de asemenea, obligațiile statelor și ale grupurilor armate nestatale (GANS) în ceea ce privește protecția mediului. Acestea includ luarea de măsuri preventive, punerea în aplicare a eventualelor precauții în timpul ostilităților și asigurarea restaurării și a responsabilității post-conflict. Un astfel de sistem vizează atenuarea distrugerilor, asigurarea responsabilității și conservarea mediului pentru generațiile viitoare.

Cuvinte-cheie: drept internațional umanitar, mediu, conflicte armate, daune aduse mediului, grupuri armate nestatale, restaurare.

JEL Classification: K10, K33; K32

CZU: 342.7; 341; 349.23/24; 341.3

<https://doi.org/10.61753/1857-1999/2345-1963/2025.22-2.16>

РЕЗЮМЕ:

**МЕЖДУНАРОДНОЕ ГУМАНИТАРНОЕ ПРАВО И ЗАЩИТА ОКРУЖАЮЩЕЙ
СРЕДЫ: ПРАВОВЫЕ СТАНДАРТЫ И ПРОБЛЕМЫ ПРИМЕНЕНИЯ**

В данной статье анализируется роль международного гуманитарного права (МГП) в защите окружающей среды от серьёзного ущерба, наносимого в результате международных и немеждународных вооружённых конфликтов. Нормы, защищающие окружающую среду, закреплены в договорах МГП, обычном международном гуманитарном праве (ОМГП) и во вторичных положениях международного уголовного права.

В статье также рассматриваются обязательства государств и негосударственных вооружённых групп (НВГ) в отношении охраны окружающей среды. К ним относятся принятие превентивных мер, осуществление возможных мер предосторожности во время военных действий, а также обеспечение восстановления и привлечения к ответственности после конфликта. Такая система направлена на смягчение последствий разрушений, обеспечение ответственности и сохранение окружающей среды для будущих поколений.

Ключевые слова: международное гуманитарное право, окружающая среда, вооружённые конфликты, экологический ущерб, негосударственные вооружённые группы, восстановление.

JEL Classification: K10, K33; K32

УДК: 342.7; 341; 349.23/24; 341.3

<https://doi.org/10.61753/1857-1999/2345-1963/2025.22-2.16>

Armed conflicts around the world gave and still give rise to severe damages of various nature: human toll, forced displacements, severe social and economic crises, and others. All of these not only compromise human security and livelihood but also have profound impact on the environment, exacerbating ecological degradation and climate-change vulnerabilities.

Humanity started reflecting on the efficiency of existent international humanitarian law (IHL) framework on environment protection since the 1991 Gulf War, during which the Iraqi forces launched an artillery attack against the Khafji oil storage depot, setting it on fire. This

resulted in one of the most massive oil leaks, when approximately eleven million barrels of crude oil were spilled in the Persian Gulf.¹

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

Later, the United Nations members reaffirmed the duties of states in respect of environment protection during armed conflicts, including taking effective legislative, administrative, judicial and other measures, refraining from engagement in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State and so on, as well as states responsibilities in this regard.³

The paper seeks to explore the role of IHL in providing protection for the environment. It then explores actions states and non-state armed groups (NSAG) should take in order to mitigate and prevent environmental harm and bolstering resilience of war-torn communities. Finally, it considers how these measures will safeguard future generations from enduring warfare effects on the environment.

To start with, it is crucial to examine main IHL sources on natural environment protection.

Although Geneva Conventions of 12 August 1949 do not explicitly regulate environment protection in time of armed conflicts, such protections could be implied to some degree from the general core principles of IHL that the right of the parties to the conflict to choose methods or means of warfare is not unlimited and the rule of proportionality.⁴

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

In its Article 35, Protocol I, *inter alia*, prohibits employing methods or means of warfare which are intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment.⁵

This rule does not merely ban the use of methods and techniques against deliberate or incidental harm for the environment, implicitly ecosystems and population, but is directed towards protection of the environment itself, taking into account the inevitable overflow effect inherent in these incidents and the resulting „transnational” aspect of this problem.⁶

Paragraph 3 of Article 35 includes three cumulative conditions mentioned above that must be met in order to declare a method or means of war unlawful. It is quite challenging to interpret the three adjectives used in Protocol, given that the same words are present in the Convention on the prohibition of military or any hostile use of environmental modification techniques (ENMOD). To mention that the drafters of the ENMOD took every precaution to

¹ Roberts A. Environmental Destruction in the 1991 Gulf War. In: International Review of the Red Cross. 1992, Nr. 291, p. 541.

² United Nations General Assembly, World Charter for Nature (UNGA Resolution 37/7, adopted 28 October 1982), principle 5, https://documents.un.org/symbol-explorer?s=A/RES/37/7&i=A/RES/37/7_2316125 (Accessed 23 September 2025).

³ United Nations General Assembly, Protection of the Environment in relation to Armed Conflicts (UNGA Resolution A/RES/77/104, adopted 7 December 2022), Principle 3.1, Principle 17, <https://docs.un.org/en/A/RES/77/104> (Accessed 29 September 2025).

⁴ Gardam J. Protocols Additional to the Geneva Conventions of 12 August 1949 - Introductory Note (United Nations Audiovisual Library of International Law, 2021), p. 5, https://legal.un.org/avl/pdf/ha/page/page_e.pdf, (Accessed 23 September 2025).

⁵ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art. 35 para. 3.

⁶ International Humanitarian Law Databases, ‘Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 35 - Basic rules, Commentary of 1987’, para. 1440, <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-35/commentary/1987?activeTab> (Accessed 4 October 2025).

ensure that the interpretation of the terms „widespread, long-lasting or severe” used in this Convention would not be automatically applied to the Protocol I.¹

The three cumulative conditions in Article 35(3) – *widespread, long-term and severe* – mirror the ENMOD terminology, yet their interpretation differs². The Understandings regarding ENMOD specify a lower threshold by applying the terms disjunctively (“or”), so one condition of three would be enough to qualify methods or means of environmental modification unlawful. Meanwhile, Protocol I adopts a cumulative and therefore much stricter standard.³

Article 55 of Protocol I also enshrines protection of the environment in context of armed conflicts, operating with the notion of widespread, long-term and severe damage caused to the natural environment that has the same meaning as in Article 35(3).⁴ Besides, in paragraph 2, Article 55 prohibits attacks against the natural environment by way of reprisals.

Articles 35(3) and 55 are criticized by scholars, as the effectiveness of these provisions is limited by the high threshold for damage to be caused to the environment, but the attention of these rules is addressed to international armed conflicts only, potentially leaving gaps in the environment protection during non-international armed conflicts.

Given the weaknesses of IHL in environment protection that arose since the 1991 Gulf War, authors called upon urgent reforms to adopt more efficient IHL norms.⁵

ENMOD binds states parties to refrain from engaging in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party, nor assisting, encouraging nor inducing any state or group of them or international organization to engage in such activities.⁶

Worth noting that the Protocol I prohibition applies in time of armed conflict only, whereas ENMOD applies both in time of armed conflict and in time of peace. Article 3 of ENMOD was criticized for being vague, implying the possibility that prohibited uses of environment modification techniques may be substituted for peaceful ones.⁷

To highlight, Protocol Additional to Geneva Conventions Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) does not contain environment protection provisions similar to Protocol I.

As for other instruments, Statute of the International Criminal Court (ICC) in Article 8(2)(b)(iv) criminalizes, in international armed conflicts, attacks that are launched in the knowledge that they will cause, inter alia, „*widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated*”. ICC Statute therefore created conditions for investigating and trying the perpetrators of environmental war crimes.

Although this rule is related to Articles 35(3), and 55 of Protocol I, it performs a distinct function within international criminal law. As criminal law establishes secondary norms designed to enforce primary obligations, this narrower individual criminal liability does not

¹ Ibid., para. 1455.

² Report of the Conference of the Committee on Disarmament, Volume I (United Nations General Assembly Official records: Thirty-first session, Supplement No. 27 (A/31/27), 1976), <https://digitallibrary.un.org/record/697097?ln=en&v=pdf> (Accessed 30 September 2025).

³ Antoine P. International humanitarian law and the protection of the environment in time of armed conflict. In: International Review of the Red Cross. 1992, Nr. 291, p. 525.

⁴ Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3, art. 55 para. 1.

⁵ Simonds S. Conventional Warfare and Environmental Protection: A Proposal for International Legal Reform. In: Stanford Journal of International Law. 1992, Nr. 29, p. 211.

⁶ Convention on the prohibition of military or any hostile use of environmental modification techniques (adopted 10 December 1976, entered into force 5 October 1978) 1108 UNTS 151, art. 1.

⁷ Ibid, p. 526.

modify the underlying and broader duty of states, under international law, to prevent environmental damage during armed conflicts.¹

Nonetheless, the effectiveness of Article 8(2)(b)(iv) remains limited. The ICC's jurisdiction is treaty-based² and relies heavily on state cooperation, while several major powers are not parties to the Statute, undermining global trust and consistent enforcement.

Customary international humanitarian law (CIHL) also should not be disregarded. It not only facilitates the interpretation of the applicable law, but also leads drafters and policy makers in lawmaking and enforcement of law.³ In 2005, the International Committee of the Red Cross (ICRC) prepared a comprehensive study on CIHL customary rules.⁴ Among those, the following three are highlighted.

Specifically, Rule 43 states core IHL principles: distinction, requirement of military necessity, humanity, and proportionality, so they are applicable in the case of protecting the natural environment as a civilian object.

Rule 44 imposes to employ warfare methods and means with due regard to the natural environment protection and preservation. The accent on feasible precaution is put to avoid and minimize incidental environmental damage.

Finally, Rule 45 prohibits the use of warfare methods or means intended, or may be expected, to cause widespread, long-term and severe damage to the natural environment. Nor natural environment destruction can be used as a weapon.

Beyond these core provisions, other international instruments indirectly contribute to environment protection in armed conflicts: the Hague Convention IV of 1907, Protocol III on Incendiary Weapons to the Conventional Weapons Convention of 1980, Chemical Weapons Convention 1993 and others.

Building upon these norms, states are bound to translate them into practice by preventing environmental damage before armed conflict, adopting operational measures that limit harm during hostilities, and ensuring post-conflict remediation and accountability measures to restore ecosystems.

In 2025, the ICRC published updated its Guidelines on the Protection of the Natural Environment in Armed Conflict⁵, which outline relevant IHL rules, including states and other relevant actors' obligations in this matter.

The Draft principles on the protection of the environment in relation to armed conflicts adopted by the International Law Commission in 2022 (Draft principles) also provide guidance.⁶

The first set of states obligations relates to refraining from actions that would create a risk of environmental damage before hostilities begin.

Some of the principles laid down in Part Two of the Draft principles are dedicated to environment protection before an outbreak of the armed conflict. Thus, states shall adopt different types of measures to enhance the environment protection in relation to armed conflicts, the examples are not exhaustive.

¹ Bothe M. [et al.] International law protecting the environment during armed conflict: gaps and opportunities. In: International Review of the Red Cross. 2010, Vol. 92 Nr. 879, p. 574.

² Rome Statute of the International Criminal Court (adopted 17 July 1997, entered into force 1 July 2002) 2187 UNTS 3, art. 13.

³ Vincze, V. The Role of Customary Principles of International Humanitarian Law in Environmental Protection. In: Pécs Journal of International and European Law, (II), 2017, p. 24.

⁴ Henckaerts J.-M., Doswald-Beck L. *Customary International Humanitarian Law. Volume I: Rules*. Cambridge: Cambridge University Press, 2005.

⁵ International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law, with Commentary, https://www.icrc.org/sites/default/files/document_new/file_list/guidelines_on_the_protection_of_the_natural_environment_in_armed_conflict_advance-copy.pdf (Accessed 27 September 2025).

⁶ International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022), https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf (Accessed 20 September 2025).

Likewise, states should designate areas of environmental importance as protected zones in case of an armed conflict, including where those areas are of cultural importance.

States should also include environmental protection provisions in relation to armed conflict in agreements concerning the military forces presence, addressing prevention, mitigation and remediation of environmental harm.¹

Once armed conflict erupts, states must incorporate and apply IHL norms that restrict warfare methods or means to mitigate environmental harm, ensuring that military necessity is balanced with principles of distinction, proportionality, and the prohibition of widespread, long-term, and/or severe damage to the environment.

This obligation is reflected in treaty law, namely Articles 35(3) and 55 of the Protocol I to Geneva Conventions, and ENMOD Article 1 analyzed earlier, and in ICRC-identified customary rules, which require lawful targeting, feasible precautions and ban of methods or means of warfare likely to cause environmental damage.

Part Three of the Draft principles deals with environment protection during armed conflicts. It clarifies the operational duties of states, such as application of law of armed conflict to the environment in accordance with principles and rules of distinction, proportionality and precaution, as well as prohibition of reprisals, prohibition of pillage, non-engagement in military or other hostile use of environmental modification techniques having widespread, long-lasting or severe effects, and protection of area of environmental importance, reinforcing existing IHL norms.

Most of the state obligations applicable during armed conflict are further consolidated and clarified in the 2025 ICRC Guidelines, which systematize the existing IHL framework rather than creating new norms.

After hostilities, states must restore ecosystems and hold perpetrators accountable for harm caused to the natural environment.

Part Five of the Draft principles elaborates these obligations, requiring states to integrate environmental restoration and protection into peace processes, ensure access to relevant information, and cooperate in conducting post-armed conflict environmental assessments and remedial measures.

States are further obliged to provide reparation and compensation for environmental damage, establish special compensation funds or provide other forms of relief or assistance, and to remove or render harmless toxic or other hazardous remnants of war, including those at sea, to ensure those do not constitute a danger to the environment.²

Given that environmental damage can become permanent, its reparation is essential, and, obviously, enters into state responsibility. Environmental damage reparation implies huge amounts of money to afford human resources and technology necessary to restore or at least maintain a reasonable condition of the environment for its survivability.³

Reparation of environmental damage might be challenging for the following reasons. Before deciding on reparation, the existence and extent of such damage must be substantiated and the causal nexus between the unlawful act and the damage alleged must be established. A major cause of failed environmental claims is lack of sufficient baseline information and evidence of causality to determine the damage extent attributable to the alleged illegal acts.⁴

In its case of Democratic Republic of the Congo (DRC) v. Uganda, the International Court of Justice (ICJ) dismissed DRC's claim for environmental damage resulting from

¹ Ibid, Principles 3, 4, and 6.

² International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022), Principles 22-27, https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf (Accessed 20 September 2025).

³ Afriansyah A. Environmental Protection and State Responsibility in International Humanitarian Law. In: Indonesian Journal of International Law. 2021, Vol. 7, Nr. 2, Article 3, p. 286.

⁴ Kong L., Zhao Y. Remedying the environmental impacts of war: Challenges and perspectives for full reparation. In: International Review of the Red Cross. 2023, Vol. 105 Nr. 924, p. 1451.

deforestation, because the DRC did not provide the ICJ with any basis for assessing environmental damage.¹

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

Albeit IHL primarily targets states, NSAG as well are obliged to avoid environmentally destructive tactics, safeguard civilians, and cooperate with accountability mechanisms to prevent environmental damage.

NSAG are bound by Article 3 common to the Geneva Conventions² and Protocol II if the state to which they belong is party to mentioned treaties, or by CIHL rules that apply to non-international armed conflicts.

NSAG must refrain from tactics or weapons likely to cause widespread, long-term or severe damage to the environment, in line with IHL limits of distinction, proportionality and precaution.

Before an attack, an NSAG must do everything feasible to ascertain that a part of the natural environment targeted qualifies as a military objective, and to assess whether an attack against another legitimate objective may be expected to cause excessive incidental damage to the natural environment.³

NSAG must take all feasible measures to protect civilians and ecosystems that sustain them. The Colombia National Liberation Army's Code of War provides: „*Acts of sabotage shall, as far as possible, avoid causing environmental damage*”.⁴ The Chin National Front Guidelines on the Code of War hold: „*The use of weapons and technologies that can damage the environment for a very long period of time must be avoided*”.⁵

These are some of provisions related to feasible measures to be taken. The first provision establishes no threshold to harmful acts. The second one only refers to one of the three cumulative threshold limits of IHL.

Lastly, NSAG should preserve evidence, allow environmental assessments and facilitate investigations and deter future environmental harm.

For example, the NSAG activities can unintentionally reduce pressure on forest resources by making large areas inaccessible to national armies, settlers, or extraction companies. The Revolutionary Armed Forces of Colombia created institutions for controlling land-use and enforcing limits to cultivation, crude oil exploitation, and fishery with explosives.⁶

Protecting the environment in the aftermath of armed conflicts necessitates ensuring lasting remediation, enforcing accountability for environmental damage, and fostering sustainable recovery to prevent and mitigate long-term ecological harm and preserve the environment for future generations.

¹ Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, I.C.J. Reports 2022, p. 13, para. 350.

² Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135, art. 3.

³ Quoted from: Bourdonnaye. T. Greener insurgencies? Engaging non-State armed groups for the protection of the natural environment during non-international armed conflicts. In: International Review of the Red Cross. 2020, Vol. 102 Nr. 914, p. 588.

⁴ International Committee of the Red Cross, A collection of codes of conduct issued by armed groups. In: International Review of the Red Cross. 2011, Vol. 93 Nr. 882, p. 491.

⁵ Bourdonnaye. T. Greener insurgencies? Engaging non-State armed groups for the protection of the natural environment during non-international armed conflicts. In: International Review of the Red Cross. 2020, Vol. 102 Nr. 914, p. 585.

⁶ Danish Institute for International Studies, 'How Non-State Armed Groups Engage in Environmental Protection' (DIIS, 2023), <https://www.diis.dk/en/research/how-non-state-armed-groups-engage-in-environmental-protection> (Accessed 5 October 2025).

Though the IHL framework does not provide explicitly the environment protection obligations in respect of future generations, they could be derived from existing ones or other international provisions.

The Draft principles preamble provides a general statement of the urgency of protection of the environment and of its importance for both present and future generations.¹ Evidently, this provision has no binding character, but still it's an important call for states to implement.

The Second World Conservation Congress organized by the International Union for Conservation of Nature urged all United Nations members to endorse a Marten's Clause for environmental protection that confers, among others, humanity the role of steward for present and future generations in the context of biosphere preservation.²

As for IHL practice, an interesting example refers to some NSAG that have committed to environment protection in order to preserve it for future generations. The Ogaden National Liberation Front has affirmed that it „*shall confront all initiatives, which negatively impact our environment as a matter of national duty to protect our environment for future generations*”. Other NSAG have combined the posterity protection with the wildlife preservation, as in the case of the Sudan People's Liberation Movement/Army that stated the group „*shall do everything to...protect and develop [our wildlife sources] for us and for posterity*”.³

To conclude, IHL framework regarding environment protection is not wealthy but apparently ensures strong protection. Nevertheless, the protection threshold is too high, and the robust nexus between unlawful actions and consequences shall be determined, so, in case of damage assessment, the claiming party will likely to get no damage reparation in respect of environmental harm.

States and NSAG obligations in respect of environment protection under IHL are mostly clearly defined, though effective states accountability is under question because of unclear and strict IHL norms defined supra.

Safeguards for environment protection of future generations are not expressly provided by IHL, but they are derived from other international provisions that still have relevance with environment preservation during armed conflicts as well.

Bibliography:

1. Afriansyah A. Environmental Protection and State Responsibility in International Humanitarian Law. In: Indonesian Journal of International Law. 2021, Vol. 7, Nr. 2, Article 3.
2. Antoine P. International humanitarian law and the protection of the environment in time of armed conflict. In: International Review of the Red Cross. 1992, Nr. 291, p. 517-537.
3. Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda), Judgment, I.C.J. Reports 2022, p. 13.
4. Bothe M. [et al.] International law protecting the environment during armed conflict: gaps and opportunities. In: International Review of the Red Cross. 2010, Vol. 92 Nr. 879, p. 569-592.
5. Bourdonnaye T. Greener insurgencies? Engaging non-State armed groups for the protection of the natural environment during non-international armed conflicts. In: International Review of the Red Cross. 2020, Vol. 102 Nr. 914, p. 579-605.

¹ International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022), https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf, p. 98 (Accessed 20 September 2025).

² International Union for Conservation of Nature, Second World Conservation Congress (Amman, 4–11 October 2000), Recommendation 2.97 A Marten's Clause for environmental protection, https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2000_REC_97_EN.pdf (Accessed 10 October 2025).

³ Quoted from: Bourdonnaye. T. Greener insurgencies? Engaging non-State armed groups for the protection of the natural environment during non-international armed conflicts. In: International Review of the Red Cross. 2020, Vol. 102 Nr. 914, p. 585.

6. Convention on the prohibition of military or any hostile use of environmental modification techniques (adopted 10 December 1976, entered into force 5 October 1978) 1108 UNTS 151.
7. Danish Institute for International Studies, 'How Non-State Armed Groups Engage in Environmental Protection' (DIIS, 2023), <https://www.diis.dk/en/research/how-non-state-armed-groups-engage-in-environmental-protection> (Accessed 5 October 2025).
8. Gardam J. Protocols Additional to the Geneva Conventions of 12 August 1949 - Introductory Note (United Nations Audiovisual Library of International Law, 2021), https://legal.un.org/avl/pdf/ha/page/page_e.pdf (Accessed 23 September 2025).
9. Geneva Convention Relative to the Treatment of Prisoners of War (adopted 12 August 1949, entered into force 21 October 1950) 75 UNTS 135.
10. Henckaerts J.-M., Doswald-Beck L. *Customary International Humanitarian Law. Volume I: Rules*. Cambridge: Cambridge University Press, 2005.
11. International Committee of the Red Cross, A collection of codes of conduct issued by armed groups. In: International Review of the Red Cross. 2011, Vol. 93 Nr. 882, p. 483–501.
12. International Committee of the Red Cross, Guidelines on the Protection of the Natural Environment in Armed Conflict Rules and Recommendations Relating to the Protection of the Natural Environment under International Humanitarian Law, with Commentary, https://www.icrc.org/sites/default/files/document_new/file_list/guidelines_on_the_natural_environment_in_armed_conflict_advance-copy.pdf (Accessed 27 September 2025).
13. International Humanitarian Law Databases, 'Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977, Article 35 - Basic rules, Commentary of 1987', <https://ihl-databases.icrc.org/en/ihl-treaties/api-1977/article-35/commentary/1987?activeTab>, (Accessed 4 October 2025).
14. International Law Commission, Draft principles on protection of the environment in relation to armed conflicts, with commentaries (ILC, 2022), https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf, (Accessed 20 September 2025).
15. International Union for Conservation of Nature, Second World Conservation Congress (Amman, 4–11 October 2000), Recommendation 2.97 A Marten's Clause for environmental protection, https://portals.iucn.org/library/sites/library/files/resrecfiles/WCC_2000_REC_97_EN.pdf (Accessed 10 October 2025).
16. Kong L., Zhao Y. Remedying the environmental impacts of war: Challenges and perspectives for full reparation. In: International Review of the Red Cross. 2023, Vol. 105 Nr. 924, p. 1441–1462.
17. Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the protection of victims of international armed conflicts (Protocol I) (adopted 8 June 1977, entered into force 7 December 1978) 1125 UNTS 3.
18. Report of the Conference of the Committee on Disarmament, Volume I (United Nations General Assembly Official records: Thirty-first session, Supplement No. 27 (A/31/27), 1976), <https://digitallibrary.un.org/record/697097?ln=en&v=pdf> (Accessed 30 September 2025).
19. Roberts A. Environmental Destruction in the 1991 Gulf War. In: International Review of the Red Cross. 1992, Nr. 291, p. 538-553.
20. Rome Statute of the International Criminal Court (adopted 17 July 1997, entered into force 1 July 2002) 2187 UNTS 3.
21. Simonds S. Conventional Warfare and Environmental Protection: A Proposal for International Legal Reform. In: Stanford Journal of International Law. 1992, Nr. 29, p. 165–211.
22. United Nations General Assembly, Protection of the Environment in relation to Armed Conflicts (UNGA Resolution A/RES/77/104, adopted 7 December 2022), <https://docs.un.org/en/A/RES/77/104> (Accessed 29 September 2025).
23. United Nations General Assembly, World Charter for Nature (UNGA Resolution 37/7, adopted 28 October 1982), https://documents.un.org/symbol-explorer?s=A/RES/37/7&i=A/RES/37/7_2316125 (Accessed 23 September 2025).
24. Vincze, V. The Role of Customary Principles of International Humanitarian Law in Environmental Protection. In: Pécs Journal of International and European Law, (II), 2017, p. 19-39.

Contacts/ Contacte/ Контакты:

BUTORINA Valeria,

Trainee Lawyer,

Master's Student, International Law Program,

Law Faculty, Moldova State University.

E-mail: valeriabutorina@gmail.com

<https://orcid.org/0009-0002-3564-1513>

<https://doi.org/10.61753/1857-1999/2345-1963/2025.22-2.16>

Participant of the „2025 *International Humanitarian Law Essay Competition*” organized by The International Red Cross Mission in the Republic of Moldova (ICRC) and International Law Association of the Republic of Moldova (ADIRM), held on 01 September - 15 November 2025, Chisinau.