



**THE IMPACT OF HOSTILITIES ON  
UKRAINE'S ENVIRONMENT AND  
HUMAN RIGHTS**  
*LYIV, UKRAINE - 5 JULY 2022*

# The "Environment"

LEGAL AND NORMATIVE  
WORKAROUNDS

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Green Transparency, Institute for Environmental Security, Stop Ecocide International, IUCN World Commission on Environmental Law, Global Initiative against Transnational Organised Crime, Climate Emergency Institute, Big Oil vs The Law (film)

# Workaround

*noun*

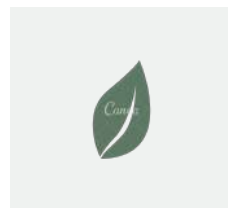
a way of dealing with a problem or making something work despite the problem, without completely solving it...



Legal overview

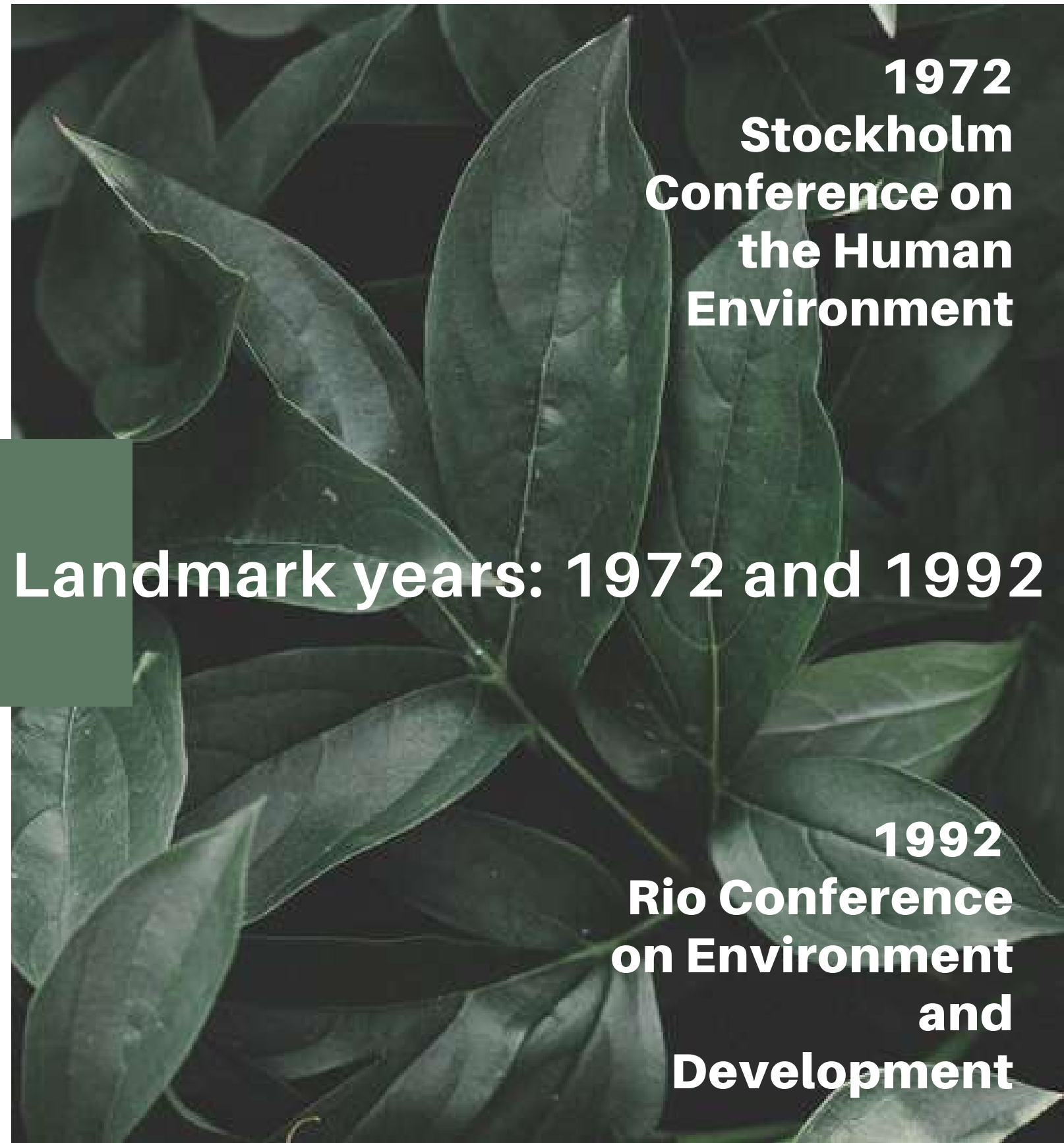


Normative developments



(Im)perfect solutions





**1972  
Stockholm  
Conference on  
the Human  
Environment**

**Landmark years: 1972 and 1992**

**1992  
Rio Conference  
on Environment  
and  
Development**

- **Historic significance:** Vietnam War, intergovernmental process, NGOs
- **Environmental protection vs economic development:** sustainable development
- **STOCKHOLM DECLARATION:** Principle 21
- **Basic framework for IEL:** 1972 World Heritage Convention, 1973 CITES, 1976 ENMOD
  
- **New developments:** focus on implementation and compliance, inclusion of private sector, normative uptake and links to human rights, trade, national security
- **RIO DECLARATION:** IEL matured, Agenda 21, 1992 CBD, 1992 UNFCCC



*"... the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn*

*+*

*... general obligation [per Principle 21] is now part of the corpus of international law relating to the environment"*

International Court of Justice  
(1996) in rendering the Advisory  
Opinion on the Threat of Use of  
Nuclear Weapons, para 29



International environmental law is neither  
a panacea nor a sham but it has a  
constructive role to play

**D. Bodanksy, 2011**



## (HUMAN) RIGHTS

Rights of Nature, Right to Healthy, Clean (, *Safe*) and Sustainable Environment



## TRADE

WTO law: GATT Articles XX(b) and XX(g) exceptions



## NATIONAL SECURITY

ENMOD, Ramsar Convention, "water"

# Norm

*noun*

**the general rule, by which the principles of moral conduct and legally accepted before society are governed**



# Rights of Nature

## *ENVIRONMENT*

### Right to Healthy, Clean and Sustainable Environment

"the characteristic aspects of the landscape"

"the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space"

"natural and man-made"

"natural resources both abiotic and biotic"

"not an abstraction but represents the living space... of human beings"

"property which forms part of the cultural heritage"

**STOP  
ECOCIDE**



 **FOSSIL  
FUEL  
NON-PROLIFERATION  
TREATY**



**(Im)perfect solutions**

**ART 441 UKRAINIAN CRIMINAL CODE**

"mass destruction of flora and fauna, poisoning of the atmosphere or water resources, as well as other actions that could cause an environmental disaster"

**ART 8(2)(B)(IV) ROME STATUTE**

"W, LT and severe damage to the natural environment which would clearly be excessive"

**ART 55 PROTOCOL I GENEVA CONVENTION**

"care shall be taken in warfare to protect the natural environmental against W, LT and S damage"

**ART I ENMOD**

"not to engage in military or any other hostile use of environmental modification techniques having W, LT or S effects"

**RIGHTS OF NATURE + RIGHT TO HEALTHY, CLEAN AND SUSTAINABLE ENVIRONMENT + INTERNATIONAL CRIME OF ECOCID**



**Thank you!**

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