**Statement under item 4 of the Agenda**

More than 400 days the world is watching unprecedented plundering of environment in Ukraine. Near 3000 cases of environmental damage recorded, 160 Emerald sites under destruction, 16 Ramsar sites affected, 20 percent of PA of Ukraine are affected by the war – near 1 mln ha of PA suffered, 10 national parks, 8 nature reserves and 2 BRs are under occupation. Pollution is being caused by 3000 air bombs exploded, 330 000 explosive devices left in Ukraine, 2 mln ha of forest destroyed, up to 1 mln ha of forests are mined and dangerous for people.

Russian aggression showed that the rules of international law, including environmental agreements, might be ignored without any rapid responsibility for violator-aggressor or instruments to halt such illegal activity. Damage to the environment might go unpunished.

Justice is need for Ukrainian environment and Russia has to be taken to responsibility and has to pay for environmental damages.

Access to justice in cases related to the destruction of environment and biodiversity, violation of environmental rights as a result of Russian aggression needs to be sought at national and international levels.

The following challenges must be resolved:

A2J at national level – citizen and NGOs are willing to seek justice for violation of the right to safe and healthy environment, compensation of damage done to natural resources.

Important aspect to be dealt with is – who will be the defendant?

Impunity of Russian Federation in national courts was overcome by the decision of the Supreme Court of Ukraine taken in April 2022, thus Russia can be the defendant in national courts in cases related to compensation of damages.

But we believe that new legislative norms setting up the procedures of the use of national courts in cases related to Russian aggression and damage to the environment and environmental rights are needed, namely to specify the procedure for such claims. There is a need to adapt procedural norms to meet the requirements of art.9 of the Aarhus Convention concerning costs of litigation, legal aid for ordinary plaintiffs in cases related to the consequences of the war on environment.

Aarhus Convention has to be taken as minimal standard for access to justice in war related litigation for affected members of the public and environmental NGOs representing the interest of environment.

At the international level the justice is need for the environment. Ukraine is seeking redress for the damage done to people, property and natural environment by aggressor.

While the issue of international responsibility of the state for commitment of international crimes such as genocide, crime of aggression is more or less clear, the International Criminal Court (ICC) has taken the lead to prosecute and consider such crimes, the damage to biodiversity, environment is not on the agenda of ICC.

The Rome Statute is silent to ecocide crime, although some limited provisions on damage to the environment are included, setting high threshold of wide-spread, long-term and serious damage to the environment to be committed during military aggression.

There are professional initiatives to amend the Rome Statute with such international crime as ecocide, so the crime against environment hopefully will be prosecuted at international level.

But what to do with damage done to environment during the Russian war? Can public ask for the justice and compensation for environmental damage at international level?

We, as NGO, are watching the recent initiatives to create tribunal for Russia. Ukraine is also talking about the need for creation of the Compensation Commission for Ukraine - non judiciary body to deal with claims of compensation arising from the war. Hopefully, environmental damage will be also in the mandate of this Compensation Commission and NGOs will be eligible and have standing.

Although the AC is silent on its application in armed conflicts, in war situations, it has the role to play.

So we urge the negotiators at international level to take into account the provisions of Aarhus Convention in designing the future legal framework to address the war related issues and in designing the future legal instruments that will be tasked to prevent such acts of aggression and destruction of environment in the future.