Protection of the environment in relation to armed conflicts

Toxic Remnants of War Network

Background

Where and how wars are fought matters for the environment, and what matters for the environment matters for the protection of civilians. Yet all too often, the environmental dimensions of armed conflicts are rarely prioritised. With a few exceptions, this trend is also reflected at First Committee, which consistently underperforms in addressing the environmental and derived humanitarian consequences of the topics it considers.

Its weakness on the environment is becoming increasingly apparent because of the substantive work on the topic the Protection of the environment in relation to armed conflicts underway in the Sixth Committee and elsewhere, aimed at addressing the weak legal protection for the environment before, during, and after conflicts.

The scope of “conflict and the environment” extends beyond First Committee’s traditional disarmament mandate. However it also intersects with it in a number of ways. This is particularly true for the pollution and environmental damage caused by the production, testing, use, management, and disposal of weapons: necessitating a holistic approach to understanding the costs to the environment from conflicts and militarism.

Current context

Conflicts in the Middle East and North Africa (MENA) region continue to highlight the environmental and human health risks from the toxic remnants of war. In Iraq, Islamic State (IS) has utilised scorched earth tactics—burning oil infrastructure and industrial facilities, and deliberately polluting rivers. States opposing them have targeted IS’s means of oil production and distribution—a policy extended to IS-controlled areas of Syria that is likely to have a significant environmental and health legacy.

Severe damage has been caused to urban areas through the use of explosive force in both countries. In Aleppo and Mosul, numerous environmentally sensitive sites have been affected, including industrial areas, and critical infrastructure such as power, water, and sewage facilities. Damage to such sites carries with it the threat of severe chemical incidents and localised pollution. The destruction of housing and industrial areas has generated millions of tonnes of debris, often contaminated with household,
medical, and industrial waste. Dealing with it will require special attention to minimise health risks to both workers and civilians.

The long-term health impacts of the use of explosive weapons in populated areas remain poorly documented. However a recent study on military-origin heavy metals in Gaza identified exposures linked to conflicts; and the transmission of metals from mothers to their babies. In Ukraine’s industrialised Donbas region, parties have been warned that the shelling of industrial sites risks triggering a chemical emergency. This in addition to the serious pollution already caused during the conflict.

Last November, the Sixth Committee debated a legal principle on the management of “toxic and hazardous remnants of war” proposed by the International Law Commission. Together with other principles, it is helping to define a normative legal framework for reducing and addressing pollution from armed conflicts, helping align this neglected area with the standards increasingly applied to domestic military activities.

The recently-adopted Treaty for the Prohibition of Nuclear Weapons includes an environmental remediation obligation, which is relevant to other weapons that cause persistent contamination, such as depleted uranium. Nevertheless, the negotiations saw a number of missed opportunities for the inclusion of environmental perspectives.

Recommendations

During First Committee, delegations should:

- Acknowledge the link between conflicts, military activities, environmental pollution, and health; and
- Make greater use of the annual resolution Observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control in articulating concerns over the lifecycle environmental impacts of weapons.
Beyond First Committee, states should:

- Engage with the International Law Commission's study on the Protection of the environment in relation to armed conflicts in the Sixth Committee, and by submitting examples of state practice to its Special Rapporteur, upon request;
- Ensure that environmental protection standards are prioritised in policies on the production, testing, use, management, and disposal of weapons;
- Support studies into the health and environmental risks from weapons throughout their lifecycle; and
- As donors, promote robust environmental criteria in weapons clearance programmes.

Author: Doug Weir

11 See for example, the proceedings of the 2017 European Conference of Defence and the Environment, http://www.ecde.info/speakers.