

# Weaponizing the environment in Ukraine: silent and neglected victim of war and International Law

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Since the Russian attack on Ukraine began, the world has watched the rapid decline and destruction of its nation's society, infrastructure, economy, and power. However, it is rare when analyzing war and its horrific consequences that we talk about the long-term, all-affecting, and devastating impact it has on a country's environment, and how it can be used as a weapon in the conflict.

In this regard, the following analysis will focus on discussing the ineffectiveness of International Law when it comes to protecting the environment during armed conflict and how that gives Russia leeway to destroy and use the Ukrainian environment as a weapon of war without facing consequences.

## International Law on the protection of the environment during war

In regards to the protection of the environment during a conflict in international law, we can find regulations on it in several different areas, such as International Environmental Law, International Human Rights Law, and International Humanitarian Law. However, despite its seemingly outstretched reach, these norms became useless or rarely upheld due to a number of reasons. A lot of times because of the lack of focused and clear laws that uphold the environment apart from just its consequential or civil affecting damages. Most of these norms are what Kenneth Abbott and Duncan Snidal (2000) would consider soft laws. In this manner, they come from agreements that are more easily negotiated, and that don't overshadow a State's sovereignty, thus, don't create obligations and consequences to the nonfulfillment of its requirements. In contrast, hard laws, for the aforementioned authors, would have much stronger binding consequences and difficult

negotiation due to its sovereignty-limiting powers.

The specific case of International Humanitarian Law (IHL), which is arguably the one with the most agreements on environmental protection, still presents significant weaknesses, like most soft laws. IHL has been able to ratify important instruments, such as, in 1977, the Additional Protocol I to the 1949 Geneva Convention, which prohibits the use of methods with the intention or expectation of causing severe, widespread, or long-term damage to the environment. Nonetheless, this protocol and IHL, in general, have yet to give a good delimitation to what constitutes environmental damage and even more so deliberate damage, as well as better ways of protecting nature (BOTHE et al., 2010). Moreover, most treaties, in almost all international laws, are still silent on whether their applicability is valid in a time of peace, war, or both (WESTING, 1997). Due to the lack of clear lines, the methods of efficient enforcement of these agreements have witnessed their power be severely compromised in the international community.

## The impact of the Ukraine-Russia War on the environment

Just in the six-month period of the beginning of the war, the world's path towards sustainability and the fight against climate change faced terrible setbacks caused by this conflict. The worsening of global energy availability, due to the revival of burning coal, after the sanctions on Russia's gas supply, and food crises in addition to environmental pollution, with the increase in fires accompanied by the destruction of natural resources (AKKER et al., 2022), has sealed the international importance of the war.

In Ukrainian territory, the direct impact of calculated military action affects several crucial ecosystems directly or indirectly. For example, Russian attacks on infrastructure, such as fertilizer tanks, have caused the release of toxic substances into bodies of water used by many villages and local agriculture (GUPTA et al., 2022). Thus, causing water shortages and deterioration of sanitary conditions (id.).

Furthermore, the air pollution derived from the use of a diverse group of military weapons alongside its manufacturing is one of the biggest contributors to greenhouse gas emissions (id.). The countless fires and attacks perpetrated by Russia around nuclear plants like Chernobyl are also environmental hazards that can cause

cross-border damage.

The bombs, missiles, landmines, and other military weapons have also affected the biodiversity and the soils of one of the top five nations in grain exportation in the world. Large-scale deforestation and wildfires accompanied by other military activities contribute significantly to carbon global warming and environmental crises (IMRAN, 2022).

## Weaponizing the environment in Ukraine

It is obvious that the aforementioned conflict-related environmental damages on Ukrainian soil may not be merely incidental or consequential costs of warfare. Ukrainian officials believe them to be deliberate attacks aimed at destroying Ukraine's natural resources and supplies (CNN, 2022) that leave it unprotected and weak, destroying its economy and infrastructure, leaving the population at the mercy of hunger and diseases. Repairing and reconstructing these losses will be a time-consuming and cost-intensive post-war affair (JACOBO, 2022 apud GUPTA et al., 2022).

This assumption would not be so far-fetched when analyzing the continued fires and infrastructural damage that Russia has carried out in such a way that harms farms and crops, leading to losses in agriculture, one of the main economic focal points of the country.

The weaponization of the environment in such a manner, by Russia and many other countries in recent history like other potencies such as the U.S.A., manages to go overlooked by the international system community. This is also sustained by the lack of well-constructed and reinforced international law on the protection of the environment during wartime, as mentioned previously in this analysis. However, when investigating the specific case of the Ukrainian War, it becomes clearer that the interference of the political conduction of Russia's Kremlin plays a major role in the prolongation of this destruction.

## Russia's environmental politics

Since the beginning of his rise to power over the Eurasian nation, Vladimir Putin has continually used the environment to project his and his nation's image internationally. Russia

has become an important actor in global environmental politics under the influence of its Executive, which, in its political system, holds considerable power over the political agenda and policy process (MARTUS, 2021). The endorsement, signature, and promotion of treaties and agreements supporting the protection of the world's nature as well as the planned goals to tackle important sustainability issues, such as the Kyoto Protocol, have accompanied an internal policy of environmental 'deinstitutionalization' by the Kremlin (MARTUS, 2021). Russian ecosystems are protected, or at least said to be, by the same ministry in charge of their exploration, the Ministry of Natural Resources or MNR (id.).

In 2017, Putin announced it to be the year of the environment in Russia, where a lot of the political agenda and future plans were created for and in accordance with environmental demands, specifically the ones that most affected Russian people like clean water and waste disposal (id.). However, most of his promises and plans were never fulfilled.

Despite the apparent neglect of the environment, the creation of policies focused on its value in security matters, such as the 'Environmental Security Strategy of the Russian Federation until 2025' of 2017, proves the Kremlin's understanding of this important matter. According to Ellie Martus (2021), propositions like the one mentioned and a situation where the leader of the Executive suffered a public backlash over his decisions direct attention to two points:

"First, it indicates the regime's awareness of the fact that the environmental movement is a potentially dangerous and destabilizing force in Russian politics, particularly given its ability to muster significant support both at home and abroad against a government-sanctioned project. Second, it demonstrates Putin's recognition of the utility of environmental issues as a way of boosting popular support." Ellie Martus (2021).

If in this Russian regime, the environment is used as an instrument to gain power and projection under Putin's rule, it is to be expected that in Ukraine it is no different.

## Conclusion

"Environmental destruction can be a primary means of threatening or defeating one's enemies" (AL-DUAIJ, 2022, p.

2) especially when there is nothing to stop them from doing so.

With the redraw of Russia's endorsement of the Additional Protocol I to the 1949 Geneva Convention, led and solidified by Putin, it has become clearer that the possibility that the Kremlin understands the value of the environment and is deliberately using it to attack Ukraine. Meanwhile, the international community shows no proactivity in prosecuting Russia for these crimes due to the lack of legal support and the fact that those could only be created with the adoption of hard laws instead of the current soft law agreements.

Thus, it becomes clear that not only will Ukraine suffer from the environmentally irreversible damages of this war, but also will the world.

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