

# INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi Disciplinary  
Peer Reviewed

[www.ijlra.com](http://www.ijlra.com)

## **DISCLAIMER**

No part of this publication may be reproduced or copied in any form by any means without prior written permission of Managing Editor of IJLRA. The views expressed in this publication are purely personal opinions of the authors and do not reflect the views of the Editorial Team of IJLRA.

Though every effort has been made to ensure that the information in Volume II Issue 7 is accurate and appropriately cited/referenced, neither the Editorial Board nor IJLRA shall be held liable or responsible in any manner whatsoever for any consequences for any action taken by anyone on the basis of information in the Journal.

Copyright © International Journal for Legal Research & Analysis

## **EDITORIALTEAM**

### **EDITORS**

#### **Dr. Samrat Datta**

*Dr. Samrat Datta Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Samrat Datta is currently associated with Seedling School of Law and Governance, Jaipur National University, Jaipur. Dr. Datta has completed his graduation i.e., B.A.LL.B. from Law College Dehradun, Hemvati Nandan Bahuguna Garhwal University, Srinagar, Uttarakhand. He is an alumnus of KIIT University, Bhubaneswar where he pursued his post-graduation (LL.M.) in Criminal Law and subsequently completed his Ph.D. in Police Law and Information Technology from the Pacific Academy of Higher Education and Research University, Udaipur in 2020. His area of interest and research is Criminal and Police Law. Dr. Datta has a teaching experience of 7 years in various law schools across North India and has held administrative positions like Academic Coordinator, Centre Superintendent for Examinations, Deputy Controller of Examinations, Member of the Proctorial Board*



#### **Dr. Namita Jain**

*Head & Associate Professor*

*School of Law, JECRC University, Jaipur Ph.D. (Commercial Law) LL.M., UGC -NET Post Graduation Diploma in Taxation law and Practice, Bachelor of Commerce.*



*Teaching Experience: 12 years, AWARDS AND RECOGNITION of Dr. Namita Jain are - ICF Global Excellence Award 2020 in the category of educationalist by I Can Foundation, India. India Women Empowerment Award in the category of "Emerging Excellence in Academics by Prime Time & Utkrisht Bharat Foundation, New Delhi. (2020). Conferred in FL Book of Top 21 Record Holders in the category of education by Fashion Lifestyle Magazine, New Delhi. (2020). Certificate of Appreciation for organizing and managing the Professional Development Training Program on IPR in Collaboration with Trade Innovations Services, Jaipur on March 14th, 2019*

## Mrs.S.Kalpana

Assistant professor of Law

*Mrs.S.Kalpana, presently Assistant professor of Law, VelTech Rangarajan Dr.Sagunthala R & D Institute of Science and Technology, Avadi. Formerly Assistant professor of Law, Vels University in the year 2019 to 2020, Worked as Guest Faculty, Chennai Dr.Ambedkar Law College, Pudupakkam. Published one book. Published 8Articles in various reputed Law Journals. Conducted 1Moot court competition and participated in nearly 80 National and International seminars and webinars conducted on various subjects of Law. Did ML in Criminal Law and Criminal Justice Administration. 10 paper presentations in various National and International seminars. Attended more than 10 FDP programs. Ph.D. in Law pursuing.*



## Avinash Kumar



*Avinash Kumar has completed his Ph.D. in International Investment Law from the Dept. of Law & Governance, Central University of South Bihar. His research work is on "International Investment Agreement and State's right to regulate Foreign Investment." He qualified UGC-NET and has been selected for the prestigious ICSSR Doctoral Fellowship. He is an alumnus of the Faculty of Law, University of Delhi. Formerly he has been elected as Students Union President of Law Centre-1, University of Delhi. Moreover, he completed his LL.M. from the University of Delhi (2014-16), dissertation on "Cross-border Merger & Acquisition"; LL.B. from the University of Delhi (2011-14), and B.A. (Hons.) from Maharaja Agrasen College, University of Delhi. He has also obtained P.G. Diploma in IPR from the Indian Society of International Law, New Delhi. He has qualified UGC – NET examination and has been awarded ICSSR – Doctoral Fellowship. He has published six-plus articles and presented 9 plus papers in national and international seminars/conferences. He participated in several workshops on research methodology and teaching and learning.*

## **ABOUT US**

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS  
ISSN

2582-6433 is an Online Journal is Monthly, Peer Review, Academic Journal, Published online, that seeks to provide an interactive platform for the publication of Short Articles, Long Articles, Book Review, Case Comments, Research Papers, Essay in the field of Law & Multidisciplinary issue. Our aim is to upgrade the level of interaction and discourse about contemporary issues of law. We are eager to become a highly cited academic publication, through quality contributions from students, academics, professionals from the industry, the bar and the bench. INTERNATIONAL JOURNAL FOR LEGAL RESEARCH & ANALYSIS ISSN 2582-6433 welcomes contributions from all legal branches, as long as the work is original, unpublished and is in consonance with the submission guidelines.

# ENVIRONMENT AND IHL

AUTHORED BY - RONANKI PARIMALA

BENNETT UNIVERSITY

## ABSTRACT

We can observe how the environment has worsened over time, and one of the factors contributing to this deterioration is armed conflict. Cataclysmic occurrences such as the 1991 Gulf War oil fires led to growing awareness of the conflict-environment nexus, and another such event that has boosted environmental protection standards is the Vietnamese war. *Here rises a certain question that how fossil fuels and environmental damage are connected to conflict.* During the war, the American forces devastated the vegetation along the borders and the forest to drive the Vietnamese troops away from the borders, using 20 million gallons of weed killers that utterly ruined the soil and vegetation in those places. Even after years, proper vegetation cannot be performed effectively, affecting not only the flora but also the fauna. According to the extra protocols of the Geneva Convention, this conflict is prohibited from causing long-term severe environmental harm. A similar circumstance that impacted people, plants, and wildlife was World War II, which had a significant impact on Japan during this time. Hiroshima and Nagasaki, the two major cities, were entirely annihilated. This had an impact not just on individuals but also on the environment. These environmental consequences have exacerbated climate danger. Identifying this, the ICRC produced the first recommendations on environmental protection during warfare in 1994, and these guidelines eventually evolved, and the 2020 guidelines are the most recent standards for environmental protection during wartime. These recommendations are the particular standards for environmental protection. One of these principles, established during the Vietnam War, was the ENMOD (environmental modification convention), which forbids governments from using biochemical warfare in excess. *The distinction between extra protocol I and ENMOD is raised here.* Another question that arises here is *whether these conventions will still be followed in the event of a non-international armed conflict.* Aside from this another question rises is that *how IHL protect the natural environment.*

#Environmental laws # International Humanitarian laws # protocol I # ENMOD #2020 guidelines

## INTRODUCTION

There are numerous ways that fossil energies, such as oil, gas, and coal, which are catenated to the coincident environmental catastrophes that we're sustaining, but the top three are the climate extremity, the pollution extremity, and the extremity of biodiversity laws. We can truly deconstruct how the manufacturing of coal feeds into and causes each of these asperities. Although it isn't the only cause of them, it's really a fundamental and immediate cause, as we can unravel. Because of this, working our afoot reliance on oil, gas, and coal is indispensable to unravelling any one of the aforementioned heads individually and undoubtedly to unravelling all of them at onetime as we're frequently facing. It's hard to discuss this matter without mentioning the present moment, in which every news stories in nearly every single review around the world, I believe, recording severe swells of heat and presently record-breaking temperatures in the northern semicircle, but really earthquakes and wild storms are effects of the climate catastrophe that are in our midst every day, and they contribute to growing content of the manner in which that extremity is compounding and aggravating other environmental problems, the product and burning of oil painting gas and coal is the inviting cause of the hothouse feasts that are behind climate change and global warming and in the last decade alone just to give sese reactionary energies generated over 86 of co2 emigrations and this is as per the intergovernmental panel on climate change the world's preeminent authority on climate wisdom and for a long time the focus has been solely on the use of the reactionary energy but we're decreasingly seeing to attack our reliance on fossil energies be that through gas powered vehicles or through coal- fired power shops that we can't just look at the demand at the individual druggies we need to look up sluice as well. But fossil energies don't just induce co2 which is one of the principal source of warning, but they also induce methane which is another short- lived hothouse gas that has indeed advanced warming eventuality in the near term which is frequently overlooked. The reactionary energy assiduity has known since at least 1965 that its product cause global warming as it has numerous and utmost of the governments have known for decades now what the cause of climate changes are and reactionary energy use is principal among them yet in the global climate concession like the UN frame convention on climate change which is inked in 1992. But it doesn't mention fossil energies and surprisingly enough neither does the Paris agreement which was inked in 2015 and is a much more recent document. So despite the fact that we can't talk about climate change and extremity were by without admitting the central motorist of global hothouse gas emigrations these negotiated documents have precisely skirted around the issues and we get into some of that. In the middle of the reporting cycle the intergovernmental panel on climate

change that the global body and in one of its most recent reports which were issued towards the end of last time. Which laid down that there's no uncertain terms just the inflexibility of the climate extremity we're facing and the un security council have mentioned certain takeaways from the climate wisdom really should be that we do everything in our power to accelerate the end of the use of reactionary energy. So, the product and use on the reactionary energies or else we're facing planetary destruction and truly climate catastrophe. As mentioned before a lot of the focus as climate change and its motorists has looked at the demand side what individualities are doing and the choices that are being made and what programs are in place to say incentivize the use of electric vehicles and shift us frequently that side. These are veritably important factors of any effective climate policy and strategy but to truly attack that problem we need to defy the gross dissociate between how important gas is produced in the world and what we can actually use and burn without extensively exceeding the temperature targets that countries are set for themselves.

## **PRODUCT GAS REPORT**

This report is produced annually by the UN environment docket and other associations for the Stockholm terrain institute than others to enmesh the ponderous gap between what govt are planning to produce and how important oil gas and coal they're going to take out of the ground and what we can actually go to use. If we're to stay anywhere within range of 1.5 degree Celsius which is the quantum of warming that beyond which the climate catastrophe and unrecoverable impact accelerate and compound at a really disastrous and ruinous rate and that report shows in this rearmost report that the governments are planning to produce nearly doubly as important oil gas and coal as it would be harmonious with fat target. Which was laid out in the Paris agreement. So, it's critical to understand that we're showing the seeds of our own demise and destruction if we're locking in these investments in continued birth of these coffers because we know once oil gas and coal are taken out of the ground. In fact, they're intended and designed to be used. And when they're used and when they're burned its contributing to hothouse gas emigrations that are incinerating the earth and literally setting certain countries ablaze and submerging others. It's important to impact the process of fossil energy extraction which I conjecture isn't frequently descanted about it adequately in this bigger discussion of climate change. So how similar impacts affect in biodiversity loss too. birth of oil gas and coal involves frequently significant niche destruction. So, the clearing of areas be they forested areas or the construction of massive structure offshore and in ocean spots and the big scars that can leave really in the earth in terms of on land and on water can have significant impact on the girding

biodiversity. Really at every stage of the oil painting gas and coal birth are pitfalls to biodiversity. Those pitfalls be during oil and gas birth from under the seabed. disquisition itself is a trouble to the surroundings marine life. We might have heard of seismic race.

## **HOW HAVE REACTIONARY ENERGIES PAID A PART IN CONFLICTS LIKE THIS?**

War raging in Ukraine and after the irruption by Russia and the ongoing assault and that country and I suppose there's been a content as in suggested then in this one caption among numerous that this war is fossil fuelled and is really about fossil energies in a number of different ways and I'll say that its clearly not the first war connecting reactionary energies and conflict right we the list is far too long to name but we could cite wars in Iraq, ongoing conflicts in Libya, the conflict of mounting in Mozambique where there's a massive drive to make expand gas fields off the seacoast and links to glaring insurrection and tremendous philanthropic extremity they're far too numerous exemplifications to name but fossil energies in our dependence on them have for numerous times both fomented conflict as the objects of war and conflict between different parties seeking to gain control over those coffers and monetize them have indeed funded conflict when countries reliant on reactionary energy earnings use those earnings to pay for and to equip their war machines as in frequently the focus of important of the discussion around Russia's irruption of Ukraine now and in fact you know of course they fuel literally relatively literally energy conflict in that the energy consumption and the emigrations from war munitions and machines and tactics of war is veritably frequently overlooked or not veritably important bandied but is a huge source of hothouse gas emigrations and a trouble to the climate in its own right clearly when countries like the one in which if say US spend such a huge portion of their public budgets on the service and on outfit that's by no means electric powered. So, these are known veritably unctuous and gas dependent but given reactionary energies and other uprooted coffers are part of a miracle known as the resource curse that has seen across the world veritably frequently the quotation- unquote or chancing of reserves of oil painting gas or certain minerals precipitates rather than the flux of earnings and coffers that are equitably distributed. Through this the *question that how fossil fuels and environmental damage are connected to conflict* is answered.

## HOW DOES IHL COVER THE NATURAL TERRAIN?

Environmental damage is of course essential to fortified conflicts. It cannot be unlimited and although law “doesn’t address all environmental consequences of conflict it does contain rules that give protection to it and that seek to limit damage caused to it in war this protection can be divided into two rough orders.”<sup>1</sup> The first type of protection consists of those type of rules that provide explicit fortification to the natural terrain as similar in other words that's their primary purpose and these rules include for case the prohibition in contradiction of using means or techniques of combat that are envisioned or may be anticipated to beget long- term wide and ramify harm to the natural terrain and IHL also for case explicitly prohibits attacking the natural terrain in reprisal when espoused in 1977 these were among the first rules to explicitly cover the natural terrain “in times of war and the recognition of among the drafters of composition one of the need to cover the natural terrain particularly a time when this was still relatively new”<sup>2</sup> and was an important stride towards asserting the significance of this protection so we can move and look at the alternate type of protection that IHL affords which has to some extent been overlooked and at times under applied this pivotal protection consists of general IHL rules that cover the natural terrain without this being their specific cause so prominently it's commonly recognised moment that by dereliction the natural terrain is mercenary in disposition on this base all corridor of the natural terrain are mercenary objects unless corridor of it come military objects as Marilyn explained reflections of its colourful corridor thus benefits from the protection of that mercenary objects get under IHL during the conduct of conflict so the principles of distinction proportionality and preventives that Marilyn also covered. So looking at two these principles of distinction requires that an attack that cannot be rapt against corridor of the natural requires that “an attack cannot be directed against corridor of the natural terrain unless it's rapt against a explicit part of it that has come a military ideal and this can be if by its position motive or use a discrete part of the terrain makes an fruitful donation to military action and if its destruction prisoner” or neutralization bids a definite military benefit snappily on the principle of proportionality before moving to the coming part which is grounded on its mercenary character the natural terrain is also defended against subsidiary damage so its banned to launch an attack against a military ideal which may

---

<sup>1</sup> *Guidelines on the protection of the natural environment in armed conflict* (2023) International Committee of the Red Cross. Available at: <https://www.icrc.org/en/publication/4382-guidelines-protection-natural-environment-armed-conflict> (Accessed: 23 September 2023).

<sup>2</sup> “Reports and Documents: Framework for Environmental Management in ...” <<https://www.icrc.org/en/doc/assets/files/review/2010/irrc-879-environmental-management.pdf>> accessed March 20, 2023

be anticipated to beget damage to the natural terrain that would be inordinate in relation to the military advantage anticipated. So, an illustration of the disproportionate incidental detriment would be for case to beget an entire timber to burn when attacking a single small adversary campground of minor significance it's the "ICRC's position that the predictable circular or resonating incidental goods of an strike must also be considered in this proportionality assessment and this particularly important for the protection of the natural terrain which is frequently affected laterally somewhat than right by conflict. So whenever an effect is reasonably foreseeable whether an effect is reasonably foreseeable will depend on the facts of each case but an assessment should be informed by past practices and empirical data"<sup>3</sup> and I think Doug will speak to this issue of data a bit later so we can look upon the next one which essentially shows a number of other IHL rules that seek to prevent or limit damage to the natural environment and "these comprise rules on particularly protected substances such as objects indispensable to the survival of the civilian population they also include rules on enemy property and pillage and defence is also approved through the rules on the use of certain weapons"<sup>4</sup> so for instance rules on incidents weapons on the prohibitions of poison of biological weapons of chemical weapons as well as rules limiting the use of landmines. So before moving to the last part what can be done to strengthen this protection so as to this Marilyn mentioned it is of course not enough that IHL rules exist on paper what is critical is that they be better disseminated implementation and enforced for their protective effort effects to actually be seen on the ground. So, to step up efforts on this the ICRC has actually just released saying that the president should be speaking about this in a general assembly with a "side incident throughout its refurbish directions on the fortification of the natural environment in armed conflict".<sup>5</sup> So to give just some background on those the ICRC drew up the first direction for military manuals on the fortification of the environment following a consultation with international experts and these were submitted to the UN in 1994 and a general assembly resolution asked all the states to give due thought to the incorporation of these in military

---

<sup>3</sup> R.A M, "Laws Of Armed Conflict And Environmental Protection: An Analysis Of Their Inter-Relationship" [1999] the paper presented at the Seminar on International Humanitarian Law and Its Different Dimensions Relevant to Contemporary Realities, Organized by the ICRC and the Indian Society of International Law, <accessed on march 22, 2023.

<sup>4</sup> Ealmasi, "Climate Change, Humanitarian Action and the Need for Climate Journalism" (*ICRC in Iran* April 21, 2022) <<https://blogs.icrc.org/ir/en/2022/04/climate-change-humanitarian-action-and-the-need-for-climate-journalism/>> accessed March 18, 2023

<sup>5</sup> *Climate and environment considerations for combatants* (2022) *PreventionWeb*. Available at: <https://www.preventionweb.net/news/climate-and-environment-considerations-combatants> (Accessed: 23 September 2023).

manuals since these 1994 guidelines were released the legal agenda has sustained to progress.<sup>6</sup> At the same time, we continue to see catastrophic ecological effects of war, emphasising the ongoing need to do more to reiterate and promote adherence to these rules. Finally, there is renewed momentum and recognition of the urgency to do more to address the environment and climate crisis. So because of this and in accordance the advice of a seminar organised by the UN environment programme and the ICRC in 2009. In concurrent attempts to clarify and reinforce the legal structure, the ICRC has revised these principles to reflect developments in treaty and customary law. Continue to take note of the International Law Commission's adoption in 2019 of the draught principles on the security of the environment in relation to armed conflict on initial reading, along with their critiques<sup>7</sup>. We really see this as an addition to the guidelines in two keyways. First, the draught principles reflect and reinforce the application of IHL to the natural environment, both in time and in the institutions of law of public international law that it depends on. Second, the draught principles reflect and reaffirm the application of IHL to the natural environment.<sup>8</sup>

## 2020 GUIDELINES

The 2020 guidelines were subjected to external peer review by scholars and researchers who participated in their individual capacities, and their purpose is to serve as a reference tool for states parties to armed conflicts and other actors who may be called upon to promote, execute, understand, apply, and implement IHL. They envisioned to facilitate the application of concrete measures to improve IHL respect, such as disseminating these rules and incorporating them into military manuals, national policy, and legal frameworks, and to support the implementation of the 2020 guidelines, they also proposed key references that parties could take to mitigate ecological consequences, such as disseminating IHL. Among the proposals include spreading IHL norms and incorporating them into military doctrine, education, training, and disciplinary systems. Another suggestion is to develop and execute methods to raise awareness of the consequences of wars and to strive to minimise these repercussions before and during military operations. Another recommendation is to recognise and designate areas of particular environmental importance or brittleness, such as national parks, as

---

<sup>6</sup> “Our Earth Matters” (*IOS Press*) <<https://www.iospress.com/catalog/books/our-earth-matters>> accessed march 26, 2023

<sup>7</sup> “Animals in War: At the Vanishing Point of International Humanitarian Law” <<https://international-review.icrc.org/sites/default/files/reviews-pdf/2022-06/animals-in-war-at-the-vanishing-point-of-international-humanitarian-law-919.pdf>> accessed March 28, 2023

<sup>8</sup> Paul Taylor, “The Protection of Environment during Armed Conflict 64: “Climate of Ecopolitics: ACitizens Guide”, 2008, iUniverse Books, United States of America, P.P. 1-5.<accessed on 28thmarch 2023.

demilitarised zones, which would prohibit all military operations and the presence of troops and military from these materials, and finally to exchange best practises on IHL compliance measures. States could also conduct scientific evaluations of environmental damage caused by specific types of weapons, and recently at the international conference of the red cross and red crescent in December 2019, states and national communities adopted a number of pledges of this type to improve natural environment protection, and these efforts must keep going if civilians caught up in conflict's health and livelihoods are to be protected. These rules and the aforementioned principles provide an answer to the issue of how IHL maintains the natural environment.

### **NORMS ESTABLISHED IN LIGHT OF THE PREVIOUS INSTANCE.**

Twenty million litres of weed killers were used by American soldiers throughout the war to completely destroy the soil and plants in the forest and along the borders in order to push the Vietnamese troops away from the boundaries. Proper vegetation cannot be carried out efficiently even after years, which affects both the flora and the animals. The Geneva Convention's additional provisions restrict this conflict from seriously creating long-term environmental harm. World War II, which had a big influence on Japan at the time, was a comparable situation that affected people, plants, and wildlife. The two important cities, Hiroshima and Nagasaki, were completely destroyed. This had an effect on the environment as well as on people. These environmental repercussions have heightened the threat of climate change. Recognising this, the International Committee of the Red Cross (ICRC) issued the first recommendations on environmental protection during battle in 1994, and these guidelines eventually developed, with the 2020 guidelines being the most recent criteria for environmental preservation during wartime. These guidelines are the specific environmental protection criteria. The ENOMD (environmental modification convention), which prevents states from utilising biological warfare in excess, was one of these principles developed during the Vietnam War. Here the question the difference between ENOMD and additional protocol I rises. Additional Protocol I, Article 35, Paragraph 3 outlaws the employment of "techniques or means of warfare that are envisioned, or may be expected, to cause widespread, long-term, and "dire damage to the natural environment." While ENOMD forbids using approaches that transform the environment into a 'weapon'."<sup>9</sup> The main difference between ENOMD and Additional protocol I is that the substantially slighter threshold for harm in the ENMOD Agreement, which

---

<sup>9</sup>Cerutti, F. (2018a) *Attributes, compliance and effectiveness of nested regimes the biological weapons regime complex*, IRIS. Available at: <https://air.unimi.it/handle/2434/601731> (Accessed: 23 September 2023).

substitutes the cumulative norm in the Additional Protocol with a solitary standard: "extensive or perpetual or severe". The contrast between extra protocol I and ENMOD is raised here, which provides the response to the question that was presented before.

To phase out the generation of fossil fuels and move forward with safer alternatives, there is a treaty against their proliferating. How effective are programmes like the non-proliferation of nuclear weapons.<sup>10</sup>

### **NON-PROLIFERATION TREATY**

We need a new treaty and widespread support for a worldwide framework to handle the gradual elimination of fossil fuels, link up supply-side actions, and end our reliance on this fossil fuel economy. As previously stated, the Paris Agreement and UNF Triple C frameworks do not specifically mention fossil fuels regardless of their critical role in the climate catastrophe, and this omission creates a nearly sort of gap and This endeavour truly consists of three crucial parts, the first of which is to build consensus behind a method for enabling non-proliferation and thereby solve the issue. Not so much preventing the development of fossil fuels as gradually phase them out. Infrastructure and facilities are necessary because, as the most recent study from the Intergovernmental Panel on Climate Change has indicated, we will run out of fossil fuels if we burn the whole resource that is now in place. We will significantly exceed the amount of CO<sub>2</sub> and other greenhouse gas emissions that the Earth can endure if we use all of the fossil fuel infrastructure that is now in place for its entire expected operating lifetime if we want to prevent a catastrophic climate change. As a result, this is the first non-proliferation agreement that was truly created out of the fight against the spread of nuclear weapons and the nuclear non-proliferation treaty, which calls on countries to halt developing new weapons systems.<sup>11</sup>

### **INDIRECT ENVIRONMENTAL PROTECTION.**

Environmental protection may also be achieved in indirect methods, which is what we refer to as environmental protection. In essence, this means that the parts or components of the natural realm might be subject to the basic laws and principles of international human rights. For

---

<sup>10</sup> "Rome Statute International Criminal" <<https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf>> accessed March 29, 2023

<sup>11</sup> Gaser, Hans-Peter "For Better Protection of the Natural Environment in Armed Conflict: A Proposal for Action" *The American Journal of International Law*, Vol. 89, No. 3 (Jul., 1995), pp. 637-644. Stable URL: <http://www.jstor.org/stable/2204184>.< accessed on 1<sup>st</sup> April 2023.

instance, the need to avoid targeting civilians falls within the concept of distinction. As long as a portion of the environment qualifies as a civilian item, it limits the attack limit to combatants and military targets. They are not specifically focused. The way the rules apply to the components of the world of nature is as follows. The same applies to assault preparation, i.e. Taking precautions during an assault is important, and as long as some elements of the outside world are considered as civilian items, they must adhere to the proportionality principle, which was once again outlined in additional protocol. furthermore, military-essential regulations.

### **RELIEF AND ASSISTANCE**

The possible support and relief measures are discussed in principle 26. States are urged to take suitable action to safeguard that environmental damage is not left unrepaired or uncompensated when it relates to an armed conflict and may consider creating special compensation funds or offering other forms of relief or assistance when the source of the damage is unknown, or no reparation is available. Through this it also gives answers to the above-mentioned question.

### **CONCLUSION**

As we are all aware, international laws are created when countries get together, present their own viewpoints, and reach a consensus. When it comes to international environmental law, governments have rules governing the environment to some extent, but after a certain point, there are no regulations pertaining to how the environment should be preserved or safe guarded and it only applies in times of peace. The existing international treaties are only relevant in cases where there are significant international conflicts. Hence, IHL also lacks adequate provisions that handle armed conflict while an armed war is ongoing. Therefore, it is imperative to create new laws and policies to protect the environment against huge harm caused by conflict in the foreseeable future. If not, the lives of people and other creatures will be seriously imperilled.