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Legal Regulation of the Effects of Military Activity on the Environment

compiled and edited by Daniel <Bodansky>, School of Law, University of Georgia
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While in times of peace a growing number of multilateral environmental agreements serves to protect the environment, existing international law affords only very limited protection against the threats of war to the environment. This is the finding of a study by Prof. Daniel Bodansky, University of Georgia, USA on behalf of the German Federal Environmental Agency (Umweltbundesamt) which reviews the adequacy of the law of war and of the general principles of international law to protect the environment. At present international law leaves nation states with a wide degree of discretion to justify environmental harm caused by acts of war. The study submits – based on a detailed analysis of

the current legal regulation of the effects of military activities on the environment – numerous possibilities to better account for environmental concerns in times of conflict. The practical feasibility of these proposals is also assessed. The author proposes inter alia to bolster existing rules of international humanitarian law and to extend the applicability of international environmental law in times of internal and international conflict. In addition, the development of new procedural requirements such as duties to assess potential environmental impacts during military targeting analysis could – according to the author – prove to be particularly promising avenues of reform.