

International Responsibility of States Arising from Environmental Obligations within the Framework of International Humanitarian Law

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the paragraph beginning “International humanitarian law emerged to limit the effects of war and to protect persons and property during armed conflicts,” the authors correctly identify the evolution of environmental concerns within humanitarian law. However, the discussion overlooks the contribution of the International Law Commission’s recent work on the Protection of the Environment in Relation to Armed Conflicts (PERAC Principles). This omission is significant because these principles represent one of the most recent developments in this field and should be incorporated into the literature review.

In the paragraph stating that “The relationship between war and the environment has acquired particular significance because modern armed conflicts often affect natural resources and ecological systems in a cumulative and long-term manner,” the article would benefit from a more rigorous conceptual distinction between direct environmental damage and indirect environmental consequences. The current wording merges these categories, potentially obscuring important legal differences regarding attribution and responsibility.

In the case study “Iraq’s War against Iran,” the authors repeatedly emphasize the lack of effective international response. While this observation is important, the discussion remains largely descriptive. The analysis should identify the specific institutional, political, and legal factors that prevented the establishment of a compensation mechanism and compare these factors systematically with the Kuwait case.

In the section “Case Analysis: Iraq’s War against Kuwait,” the sentence “environmental damage resulting from the war was identified, assessed, and subjected to an international compensatory process” requires greater detail. The article should explicitly discuss the role, structure, and jurisprudential significance of the United Nations Compensation Commission (UNCC), which constitutes one of the most important precedents in the field.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In the section “Statement of the Problem,” the sentence “Accordingly, where a state violates its environmental obligations during an armed conflict through the use of prohibited or excessively destructive means and methods of warfare, the question of international responsibility may arise” requires greater precision. The authors should clarify whether responsibility is examined exclusively under international humanitarian law or whether the analysis also encompasses obligations derived from international environmental law and human rights law.

The paragraph beginning “According to the general law of state responsibility, the existence of an internationally wrongful act requires two elements” accurately reflects the Articles on State Responsibility. Nevertheless, the authors should engage more deeply with the question of attribution in contemporary conflicts involving non-state armed groups, proxy forces, private military contractors, and hybrid warfare, as these actors increasingly complicate the attribution of environmental harm.

In the section “Importance and Necessity of the Research,” the assertion that environmental damage should be regarded as “a matter of common international concern” is theoretically important but remains insufficiently substantiated. The authors should explain the legal implications of characterizing environmental protection during armed conflict as a common concern and distinguish this concept from obligations *erga omnes* and obligations *erga omnes partes*.

In the “Research Questions and Hypothesis” section, the central hypothesis attributes the weakness of enforcement primarily to institutional and political factors. However, the hypothesis does not consider doctrinal uncertainties within the legal framework itself, particularly the ambiguity of key thresholds such as “widespread,” “long-term,” and “severe.” These legal uncertainties should be incorporated into the analytical framework.

In the “Research Method” section, the authors describe their approach as descriptive-analytical and based on library research. However, the methodology lacks a clear explanation of the criteria used for selecting legal sources, case studies, and doctrinal materials. Greater methodological transparency is necessary to allow readers to assess the validity and reproducibility of the analysis.

In the section “The Concept of the International Responsibility of States,” the sentence “The consequences of responsibility may include cessation of the wrongful act, assurances and guarantees of non-repetition, restitution, compensation, satisfaction, or a combination of these forms of reparation” accurately summarizes the law. Nevertheless, the article does not address whether environmental damage may also give rise to obligations toward the international community as a whole rather than solely toward directly injured states, an issue that warrants discussion.

In the section “Environmental Obligations of States in Armed Conflicts,” the statement that “States must consider environmental risks in military planning, target selection, weapons use, and post-attack assessment” is persuasive but lacks reference to practical military doctrines and operational manuals. The analysis would be significantly strengthened by incorporating examples from state military manuals or contemporary targeting procedures.

In the section “The Position of International Humanitarian Law in Environmental Protection,” the article argues that environmental protection is embedded within the humanitarian logic of international humanitarian law. However, the authors should address the longstanding scholarly debate concerning whether the environment should be protected primarily as an independent legal value or only insofar as environmental degradation affects human populations.

In the section “Important Instruments for the Protection of the Environment in Armed Conflicts,” the discussion of the ENMOD Convention focuses primarily on its prohibitive function. The article should also explain the limited practical relevance of ENMOD due to its narrow scope, particularly the fact that it regulates environmental modification techniques rather than most forms of conventional environmental destruction during warfare.

In the paragraph discussing Additional Protocol I, the article notes the requirement of “widespread, long-term, and severe damage.” However, there is no detailed examination of how these terms have been interpreted by courts, tribunals, military

manuals, or state practice. A doctrinal analysis of these threshold criteria is necessary because they are central to the effectiveness of the legal framework.

In the section “Reparation for Environmental Damage in International Law,” the authors correctly emphasize the limitations of purely monetary compensation. Nevertheless, the article would benefit from a more detailed examination of environmental valuation methodologies, including ecosystem service valuation, restoration cost assessment, and compensation for loss of biodiversity.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.