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# Strengthening the right to development through environmental governance principles during and post-conflict recovery: A multi-stakeholder cooperation framework for effective implementation

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**Abstract:** *This chapter examines the relationship between environmental protection and the effective realisation of the right to development (RtD) during armed conflict and post-conflict recovery. It argues that the environmental degradation is not merely a consequence of armed conflict, but a continuing barrier to sustainable development, human security, livelihoods and institutional resilience. It examines prevention, precaution, public participation and the polluter-pays principle as environmental governance principles while recognising their different legal sources and status. The chapter considers how these principles operate alongside international humanitarian law, international human rights law, international environmental law, the International Law Commission (ILC)'s Draft Principles on the Protection of the Environment in Relation to Armed Conflicts (PERAC) and the ICRC's 2020 Guidelines. It proposes a multi-stakeholder cooperation framework involving states, United Nations agencies, humanitarian and development actors, regional organisations, national human rights institutions (NHRIs), civil society organisations, the private sector and affected communities. It argues for translating these principles into peace building, environmental governance and the effective realisation of the RtD.*

**Résumé :** *Cet article examine la relation entre la protection de l'environnement et la mise en œuvre effective du droit au développement (DdD) en période de conflit armé et de relèvement post-conflit. Il soutient que la dégradation de l'environnement n'est pas seulement une conséquence des conflits armés, mais un obstacle persistant au développement durable, à la sécurité humaine, aux moyens de subsistance et à la résilience institutionnelle. Il examine les principes de prévention, de précaution, de participation du public et du « pollueur-payeur » en tant que principes de gouvernance environnementale,*

*tout en reconnaissant leurs différentes sources juridiques et leur statut respectif. Cet article examine comment ces principes s'articulent avec le droit international humanitaire (DIH), le droit international des droits de l'homme (DIDH), le droit international de l'environnement (DIE), le projet de principes de la Commission du droit international (CDI) sur la protection de l'environnement en relation avec les conflits armés (PERAC) et les lignes directrices 2020 du CICR. Il propose un cadre de coopération multipartite associant les États, les agences des Nations unies, les acteurs humanitaires et du développement, les organisations régionales, les institutions nationales des droits de l'homme (INDH), les organisations de la société civile, le secteur privé et les communautés touchées. Il soutient que la transposition de ces principes doit se traduire par la consolidation de la paix, la gouvernance environnementale et la mise en œuvre effective du droit au développement.*

**Key words:** *right to development; environmental protection; environmental governance; armed conflict; post-conflict recovery; environmental governance principles; multi-stakeholder cooperation; sustainable development; international humanitarian law*

## 1 Introduction

The right to development (RtD) is a relatively recent addition to the international human rights framework, recognising development as a fundamental human right and affirming that every person is entitled to participate in, contribute to and benefit from the development process.[1] The Declaration on the Right to Development (DRtD) also establishes corresponding duties for states, both individually and collectively, to create national and international conditions conducive to the realisation of this right.[2] Nevertheless, the RtD remains one of the most debated and challenging human rights concepts due to

1 LH Piron 'The right to development: A review of the current state of the debate' Report prepared for the Department of International Development' (2002) 7.

2 DJ Whelan, M Kanade & S Puvimanagsinghe 'The right to development: Origins, history and institutional development' in C Colon & K Lumpur *Operationalising the right to development in implementing the Sustainable Development Goals* (2020) 24.

the absence of a clear implementation framework, limited guidance on states' accountability, and the lack of effective enforcement and monitoring mechanisms.[3] Although the DRtD emphasises international cooperation and the creation of an international environment favourable to development, it provides little guidance on how these obligations should be operationalised or shared among members of the international community.[4]

Likewise, although sustainable development increasingly recognises environmental protection as a prerequisite for development,[5] the DRtD does not explicitly address the role of environmental and natural resource protection in the implementation of the RtD.[6] Such conceptual and institutional gaps continue to impede effective realisation of the RtD and underscore the need for a more comprehensive implementation framework.

Although significant normative, legal and institutional progress has been made in recognising the RtD as a fundamental human right, its effective implementation remains uneven, particularly in conflict-affected and post-conflict societies where armed conflict continues to undermine sustainable development, human security and institutional resilience.[7] One of the most overlooked barriers to the realisation of the RtD is environmental degradation during armed conflict and post-conflict recovery.[8] Armed conflicts often cause widespread destruction of ecosystems, the contamination of water resources, the depletion of natural resources, and loss of biodiversity, with long-lasting consequences for livelihoods and sustainable development. For example, in Northern

3 Piron (n 1) 9.
4 Piron (n 1) 12.
5 MA Hannan & P Shepherd 'Sustainable development and environment conservation: A comparative study on protecting environmental human rights' (2024) 14 *International Journal of Academic Research in Business and Social Sciences* 516.
6 Piron (n 1) 13.
7 B Ibhawoh 'How to commemorate the 40th anniversary of the UN Declaration on the Right to Development: Reflections and proposals' Concept note presented at the 12th session of the Expert Mechanism on the Right to Development, Item 5 of the Provisional Agenda: Implementation of the Mandate and Programme of Work Focused Thematic Discussions and Interactive Dialogues, Palais des Nations, Geneva 27 October 2025.
8 E Birhane and others 'Armed conflict-driven environmental degradation and uneven socio-ecological resilience in Tigray, Ethiopia' (2025) 10 *Sustainable Futures* 101289 1-2.

Ethiopia, the conflict reversed nearly three decades of environmental restoration within just two years through catastrophic losses of vegetation and soil fertility.[9] Such environmental degradation not only threatens civilian survival, but also undermines the fundamental human rights principle that 'in no case may a people be deprived of its own means of subsistence'.[10] Furthermore, humanitarian interventions frequently prioritise immediate relief while overlooking environmental protection as a component of long-term recovery.[11] This fragmented approach impedes sustainable reconstruction, reinforces negative peace and weakens the enabling conditions necessary for the effective implementation of the RtD.[12]

The chapter argues that environmental protection, in both peacetime and during armed conflict, is a prerequisite for the effective implementation of the RtD and, therefore, should be treated as a substantive component of the legal and institutional framework through which the RtD is realised. It contends that core environmental governance principles, namely, prevention, precaution, public participation and polluter-pays, should be progressively translated from normative commitments into concrete legal and institutional obligations.[13] Their implementation through environmental impact assessment, accountability, regulation, meaningful participation and multi-stakeholder cooperation can support proactive and adaptive environmental governance, particularly in conflict and post-conflict settings. On this basis, the chapter proposes a multi-stakeholder cooperation framework involving states, United Nations (UN) agencies, humanitarian and development organisations, regional organisations, civil society, local institutions, the private sector and affected communities to strengthen institutional resilience, promote sustainable development and advance the effective implementation of the RtD.

9 Birhane and others (n 8) 2.
10 D Dam-de Jong *International law and governance of natural resources in conflict and post-conflict situations* (2015) 78.
11 African Union Policy on Post-Conflict Reconstruction and Development (2006) 12.
12 PA Olowoniyi & CM Osazuwa 'A conceptual framework to analyse consequences of post-conflict reconstruction interventions' (2024) 6 *The American Journal of Political Science Law and Criminology* 109.
13 G Roller 'Book review: Environmental principles' (2021) 21 *elni Review* 48.

Against this background, the chapter examines how environmental governance principles can be legally and institutionally operationalised across the armed-conflict-to-post-conflict continuum to strengthen effective realisation of the RtD, while respecting the distinct legal status and scope of international humanitarian law, international human rights law, international environmental law and RtD instruments. It does not treat environmental protection as an autonomous obligation derived from the DRtD. Rather, it examines how existing legal duties and authoritative standards concerning environmental protection, participation, prevention, accountability and cooperation can provide implementation mechanisms for the environmental conditions on which the RtD depends. The four principles are selected for their functional relevance rather than formal equivalence: The prevention principle addresses foreseeable harm, while the precautionary principle addresses scientific uncertainty. Public participation promotes agency, inclusion and procedural legitimacy, whereas the polluter-pays principle governs the allocation of costs and responsibility for remediation. Their legal status is not identical and is therefore assessed according to the sources from which each principle derives.

To address this question, the analysis adopts a doctrinal legal method, supplemented by literature review and illustrative conflict examples. It prioritises the DRtD, relevant human rights treaties and jurisprudence, applicable international humanitarian law, ILC 2022 Principles on the Protection of the Environment in Relation to Armed Conflicts (PERAC), the International Committee of the Red Cross (ICRC)'s 2020 Guidelines on the Protection of the Natural Environment in Armed Conflict, and recent UN materials on the RtD. The analysis distinguishes binding obligations (*lex lata*) from non-binding principles, interpretive guidance and proposals for progressive development or policy reform, while using country and resource-conflict examples illustratively rather than as comparative case studies.

## 2 Historical evolution of the right to development (1986-2026)

The adoption of the DRtD by the UN General Assembly in 1986 marked the principal normative foundation of the RtD. The Declaration recognises development as an inalienable human right places the human person at the centre of the development process, while recognising the corresponding responsibilities of states at both national and international

levels. Articles 1 to 4 establish the substantive and participatory dimensions of the RtD and the duties of states to create conditions favourable to its realisation, while article 8 emphasises equality of opportunity, participation and fair distribution of the benefits of development.[14]

The environmental dimension of development was subsequently strengthened through the evolution of international sustainable development frameworks. The 1992 Rio Declaration linked environmental protection with the development process,[15] while the 1993 Vienna Declaration and Programme of Action reaffirmed the RtD as a universal and inalienable human right.[16] These developments contributed to an increasingly integrated understanding of development in which economic, social, environmental and human rights considerations are interdependent. The 2030 Agenda for Sustainable Development and the Sustainable Development Goals (SDGs) further reinforced this approach by linking sustainable development with inclusive institutions, participation and international cooperation.[17]

The RtD has also developed through regional jurisprudence and UN institutional processes. At the regional level, the African human rights system has contributed to clarifying the legal significance of the RtD. In *African Commission on Human and Peoples' Rights v Republic of Kenya* (*Ogiek*), the African Court on Human and Peoples' Rights (African Court) recognised the Ogiek community's right to development under article 22 of the African Charter on Human and Peoples' Rights (African Charter) and emphasised that its realisation requires effective consultation and participation in decisions affecting the community. The case therefore illustrates the connection between the RtD and the meaningful participation of affected peoples in determining development process that concern them.[18] At the international level, the Human

14 United Nations General Assembly Declaration on the Right to Development UN Doc A/RES/41/128 (1986) arts 1-4, 8.

15 Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992. Volume 1, Resolutions adopted by the Conference (1993) 12.

16 Vienna Declaration and Programme of Action (1993) para 10.

17 A de Man 'The Sustainable Development Goals and the rights-based approach to development: Compatible or missing the point?' (2019) 19 *African Human Rights Law Journal* 447.

18 2017 (2) AfCLR 9 para 199.

Rights Council (HRC) has continued to advance the institutional and normative development through the work of the Expert Mechanism on the Right to Development (EMRtD) and related process concerning its implementation.[19]

The process of strengthening the international legal framework of the RtD has also continued. In 2018 the HRC initiated the process of elaborating a legally binding international instrument on the RtD, which subsequently led to the development and consideration of a draft International Covenant on the Right to Development.[20] The draft Covenant represents a proposed instrument for further development and codification of the RtD and does not, in its current draft form, constitute a legally binding treaty. The EMRtD's subsequent work has further explored the relationship between the RtD, international cooperation and development challenges. In December 2024, the General Assembly also adopted a resolution on the RtD, demonstrating its continuing place on the international human rights agenda.[21] Accordingly, while the RtD has an established normative foundation in the DRtD and has been further developed through international and regional processes, the proposed Covenant remains subject to the continuing intergovernmental process and should not be characterised as existing binding law.[22]

As the international community approaches the fortieth anniversary of the DRtD in 2026, the evolution of the RtD reflects a shift from its initial normative recognition towards greater institutionalisation and attention to the conditions necessary for its effective implementation. These developments increasingly highlight the importance of environmental sustainability, meaningful participation, equitable natural resource governance, international cooperation and institutional resilience. Nevertheless, the precise legal status and scope of the RtD, as well as the proposed international legal framework for its implementation, remain subject of continuing international discussion.[23] Against this

19 United Nations Human Rights Council 'The right to development' UN Doc A/HRC/RES/54/18 (2023).
20 United Nations Human Rights Council (n 19) art 7.
21 United Nations General Assembly 'The right to development' UN Doc A/RES/79/170 (2024).
22 United Nations Human Rights Council Draft International Covenant on the Right to Development, with commentaries (Chair-Rapporteur Z Akram) UN Doc A/HRC/54/1 (2023).
23 Ibhawoh (n 7) 1.

background, this chapter examines environmental protection and environmental governance principles as practical implementation mechanisms for strengthening the RtD, particularly in conflict affected and post-conflict societies.

## 3 Implementation challenges in conflict settings

The effective implementation of the RtD in conflict-affected and post-conflict settings is constrained by a combination of legal, institutional, administrative and practical challenges.[24] Armed conflicts undermine development by destroying essential infrastructure, including healthcare facilities, schools, transportation networks and public utilities, while simultaneously causing severe environmental degradation through pollution, deforestation, biodiversity loss and the depletion of natural resources. These impacts have long-term consequences for livelihoods, human security, sustainable development and institutional resilience.[25]

Conflict also weakens governance by eroding the rule of law, disrupting public administration and diminishing the capacity of state institutions to deliver basic services and uphold human rights.[26] Fragile institutions, exclusionary political processes, corruption and illicit economic activities often persist during post-conflict recovery, reinforcing what is commonly described as negative peace – an absence of active hostilities without the establishment of sustainable and inclusive institutions. Such conditions impede the realisation of the RtD by limiting public participation, accountability and equitable access to development opportunities.[27]

Moreover, natural resources frequently become both a cause and a consequence of armed conflict. Rather than contributing to national development, valuable resources such as oil, gas, minerals, forests and water are often exploited to finance armed groups and prolong hostilities.[28] This reflects the well-documented resource curse, whereby resource abundance, weak governance and competition over resource control contribute to economic stagnation, inequality and violent conflict

24 Whelan and others (n 2) 19.
25 Birhane (n 8) 1.
26 Olowoniyi (n 12) 109.
27 As above.
28 O Canuto & M Cavallari 'Natural Capital and the Resource Curse' (2012) 83 *Economic Premise* 1.

instead of sustainable development. Consequently, the destruction, depletion and exploitation of natural resources not only fuel conflict, but also undermine the environmental, economic and institutional foundations necessary for the effective implementation of the RtD.[29] Addressing this challenge therefore requires treating environmental governance principles as guiding principles, particularly the polluter-pays principle, which seeks to promote the internalisation of environmental costs by placing responsibility for pollution and environmental harm on those responsible, where required or recognised under applicable legal regimes. Its application in conflict and post-conflict resource governance is therefore context-dependent and should be understood together with applicable domestic, treaty and customary rules.[30]

The legal analysis must therefore distinguish between the different phases of the conflict-to-recovery continuum. During armed conflict, applicable international humanitarian law provides the principal legal framework governing conduct, while human rights and environmental obligations may continue to apply subject to the rules governing their applicability and interaction with the law of armed conflict. Post-conflict recovery is not simply an extension of the law governing conduct during hostilities; it engages a broader range of measures relating to restoration, remediation, participation, development cooperation, domestic environmental regulation and responsibility.[31] The ILC's 2022 Draft Principles on the PERAC are particularly relevant in this regard because they expressly address the protection of the environment before, during and after armed conflict, and encompass measures aimed at prevention, mitigation and remediation.[32]

More importantly, the implementation of the RtD in conflict settings must be understood in light of the evolving legal framework for the protection of the environment during armed conflict. The ILC 2022 Principles on the PERAC provide a more comprehensive framework by addressing environmental protection before, during and after armed

29 J Brauer *War and nature: The environmental consequences of war in a globalized world* (2009) 165.
30 Brauer (n 29) 21.
31 International Law Commission Draft Principles on Protection of the Environment in Relation to Armed Conflicts, With Commentaries (2022) A/77/20 Principle 1.
32 International Law Commission (n 31) Principle 2.

conflict. The Principles recognise that the environment must be respected and protected in accordance with applicable international law and, in particular, the law of armed conflict, while also recognising the continuing relevance of international environmental law and international human rights law.[33] During armed conflict, the Draft Principles reaffirm the application of the principles of distinction, proportionality and precautions to environmental protection and prohibit, subject to applicable international law, certain methods and means of warfare expected to cause widespread, long-term and severe damage to the environment.[34] They also address accountability more directly: An internationally wrongful act by a state that causes environmental damage in relation to an armed conflict entails international responsibility and an obligation to make full reparation, while states should take appropriate measures to ensure corporate due diligence and liability for environmental harm in conflict-affected areas.[35] The Draft Principles further recognise the prohibition of pillage of natural resources, which is particularly relevant where resource exploitation contributes to the financing or prolongation of armed conflicts.[36] Nevertheless, the Draft Principles should not be treated as a single body of binding rules. The ILC expressly notes that they contain provisions of different normative value, including rules reflecting existing international law and recommendations directed towards the progressive development of international law.[37] The framework therefore provides both a basis for clarifying existing obligations and a reference point for strengthening accountability for environmental harm and natural resource exploitation in conflict and post-conflict settings.

Despite its growing recognition within international human rights law, the RtD remains one of the most contested human rights due to continuing conceptual, legal and institutional debates regarding its nature, implementation and enforcement.[38] These debates concern fundamental questions, including whether the RtD constitutes a

33 International Law Commission (n 31) Principles 1 & 13.
34 International Law Commission (n 31) Principles 13-14.
35 International Law Commission (n 31) Principles 9-11.
36 International Law Commission (n 31) Principle 16.
37 International Law Commission (n 31) Principle 3.
38 K Arts & A Tamo 'The right to development in international law: New momentum thirty years down the line?' (2016) 63 *Netherlands International Law Review* 222.

distinct human right or merely synthesises existing human rights; who the rights holders and duty bearers are; and how the right should be implemented and enforced at both the national and international levels. Such ambiguities have contributed to the absence of a clear and effective implementation framework under the DRtD.[39]

At the national level, although the DRtD recognises states as having the primary responsibility to formulate development policies and create conditions conducive to the realisation of the RtD, it provides limited guidance on implementation priorities, accountability mechanisms and enforcement procedures.[40] In particular, the Declaration does not explicitly recognise environmental and natural resource protection as essential components of the RtD implementation framework, nor does it clearly establish how states should be held accountable for failing to fulfil their obligations.[41]

At the international level, the DRtD emphasises the duty of states to cooperate in promoting development, but provides little guidance on the allocation of responsibilities, mechanisms for implementation or systems for monitoring and enforcement.[42] Consequently, there remains considerable uncertainty regarding how international cooperation obligations should be operationalised and how states and international organisations should be held accountable for non-compliance.[43]

These implementation challenges are reflected in the long-standing divergence between northern and southern perspectives on the RtD. While many developed states view the RtD primarily as a synthesis of existing human rights, many developing states regard it as a distinct and collective right.[44] Similarly, disagreement persists regarding the identity of the rights holders, whether only individuals or both individuals and states and the corresponding duty bearers, with developing countries emphasising the shared responsibility of the international community to support development through international cooperation.[45]

39 Piron (n 1) 11.
40 Piron (n 1) 12.
41 As above.
42 Arts & Tamo (n 38) 233-234.
43 Arts & Tamo (n 38) 234.
44 Arts & Tamo (n 38) 224.
45 Piron (n 1) 16-17.

These legal and conceptual disagreements have significantly impeded the effective implementation of the RtD. They are further compounded by the fact that the DRtD is a UN declaration rather than a legally binding treaty. As a result, its provisions lack binding enforcement mechanisms under international law, limiting the ability to hold states and other actors legally accountable for failures to implement the RtD.[46]

For the purpose of this chapter, the four environmental principles do not derive their legal force from a single source. The prevention principle is reflected in environmental due diligence and in specific treaty and customary obligations, depending on the context. The precautionary principle is articulated in Principle 15 of the Rio Declaration and incorporated into treaty regimes in varying forms. Public participation is recognised in human rights and environmental instruments, while the polluter-pays principle is articulated in Principle 16 of the Rio Declaration and reflected in domestic and sector-specific legal regimes. However, the polluter-pays principle is not treated here as a universally binding rule applicable in every conflict setting.[47] Their contribution to the implementation of the RtD, therefore, is functional and context dependent and must be read together with applicable binding law.

## 4 Environmental degradation as an overlooked barrier

Natural resources have the potential to drive economic, social and environmental development when governed effectively and managed equitably. However, experience at both the national and international levels demonstrates that, under weak governance, natural resources often become a source of conflict rather than development.[48] In many conflict-affected countries, including Cambodia, Sierra Leone, Liberia and the Democratic Republic of the Congo (DRC), the exploitation of diamonds, gold, timber, oil and other valuable resources has financed armed groups, prolonged hostilities and undermined sustainable development.[49] Despite these realities, insufficient attention has been

46 Piron (n 1) 10.
47 United Nations Conference on Environment and Development (n 15) Principles 10, 15 & 16.
48 Dam-de Jong (n 10) 1.
49 As above.

paid to the impact of environmental degradation on the effective implementation of the RtD.[50]

The recurring pattern of resource exploitation, environmental degradation and weak accountability also reveals the limitations of treating environmental principles as isolated or aspirational objectives. Prevention, precaution, public participation and polluter-pays should instead operate as interconnected directing principles capable of linking international legal standards with regional and national environmental governance.[51] Their significance lies not only in the substantive protection they provide, but also in their capacity to guide legislation, administrative decision making, resource governance, environmental assessment, contractual arrangements and accountability mechanisms. In this sense, these principles can serve as connecting vessels between different levels of governance that must cooperate to protect environmental resources during conflict and post-conflict recovery.[52]

The recent armed conflict in Northern Ethiopia illustrates this overlooked challenge. The conflict caused extensive environmental destruction, including a reported 57 per cent decline in vegetation cover, reversing nearly three decades of ecosystem restoration within only two years.[53] The degradation of forests, soil, water resources and biodiversity not only weakened environmental resilience, but also undermined livelihoods, food security, and the social and economic foundations necessary for realising the RtD. This demonstrates that environmental degradation is not merely a consequence of armed conflict but a significant barrier to sustainable development and the effective implementation of the RtD.[54]

Competition over natural resources and the unequal distribution of their benefits can also contribute to the outbreak and continuation of armed conflict. Once the conflict begins, the exploitation of natural resources can become a means of financing armed groups and sustaining hostilities.[55] Consequently, resources that could otherwise support

50 Olowoniyi (n 12) 112.
51 N de Sadeleer *Environmental principles: From political slogans to legal rules* (2002) 2.
52 As above.
53 Birhane (n 8) 1.
54 As above.
55 Dam-de Jong (n 10) 6.

economic and social development become instruments of conflict, while their continued exploitation accelerates environmental degradation and erodes the natural capital upon which conflict-affected communities depend.[56]

The destruction and overexploitation of forests, water resources, fertile land, minerals and biodiversity directly undermine the core principle of the RtD, namely, that 'in no case may a people be deprived of its own means of subsistence'.[57] Moreover, the widespread use of explosive weapons, together with the presence of land mines, and explosive remnants of war, continues to contaminate ecosystems, prevent the safe return of displaced populations, obstruct agricultural production and delay post-conflict recovery.[58] These consequences demonstrate that environmental protection must be integrated into humanitarian action and reconstruction to achieve sustainable recovery, resilient institutions and the effective realisation of the RtD.

## 5 Integrating environmental protection into humanitarian action and recovery

Effective integration of environmental protection into humanitarian action and post-conflict recovery requires states, parties to the armed conflict, humanitarian organisations, development actors and affected communities to recognise the close relationship between environmental degradation, resource scarcity, armed conflict and development.[59] Environmental degradation and competition over natural resources can contribute to the outbreak and prolongation of armed conflicts, while the exploitation of resources may provide financial incentives for sustaining hostilities.[60] At the same time, conflict-related environmental destruction can reverse years of economic, social and environmental development. Even after the cessation of hostilities, degraded natural resources and competition over their control can exacerbate existing

56 Dam-de Jong (n 10) 6-7.
57 International Covenant on Economic, Social, and Cultural Rights (1966) art 1(2) (ICESCR).
58 U Kievelitz and others *Practical guide to multilateral needs assessments in post-conflict situations: A joint UNDG, UNDP and World Bank guide* (2004) 15.
59 B Dahiya *Environmental peacebuilding: Nurturing sustainable peace through resource stewardship and cooperation* (2023) 3.
60 Brauer (n 29) 165.

tensions and create conditions for renewed conflict.[61] According to the UN Environment Programme (UNEP), armed conflicts have occurred in more than 40 per cent of the world's protected areas over the past 60 years, with significant consequences for ecosystems and biodiversity. Similarly, World Bank research indicates that a substantial proportion of civil conflicts have been associated with natural resource-related factors.[62]

The ILC's 2022 Draft Principles provide a direct legal-policy bridge across this conflict-to-recovery continuum. Principles 1 and 2 expressly address environmental protection before, during and after armed conflict and frame the objective in terms of preventing, mitigating and remediating environmental harm.[63] Principle 8 addresses environmental harm associated with conflict related displacement, while principles 22 to 26 address environmental considerations in peace processes, access to information, post-conflict environmental assessments and remedial measures, relief and assistance, and hazardous remnants of war.[64] These provisions do not transform the RtD into an environmental treaty obligation; rather, they identify concrete measures through which environmental conditions necessary for recovery and development can be protected and restored.

Recognising these interconnections requires humanitarian and recovery interventions to incorporate environmental assessments, sustainable resource management, and environmental considerations into their planning and implementation.[65] Environmental assessments should, where possible, incorporate reliable pre-conflict baseline data to identify the extent of environmental degradation and establish restoration priorities. The absence or incompleteness of such baseline information should not, however, prevent protective measures from being taken.[66]

A distinction should be maintained between the precautionary principle of international environmental law and the international humanitarian law obligation to take precautions in attack and against the effects of attacks. The ICRC Guidelines on the Protection of the

61 Birhane (n 8) 10.
62 Dahiya (n 59) 46.
63 International Law Commission (n 31) Principles 1-2.
64 International Law Commission (n 31) Principles 22-26.
65 Dahiya (n 59) 46.
66 Brauer (n 29) 127.

Natural Environment in Armed Conflict restate the application of distinction, proportionality and feasible precautions to the protection of the natural environment, including the obligation to take constant care to spare civilian objects and the natural environment.[67] The ILC's 2022 Draft Principles likewise provide that the law of armed conflict, including the principles and rules of distinction, proportionality and precaution, applies to the environment with a view to its protection.[68] The environmental precautionary principle may complement these international humanitarian law requirements in planning and recovery, where a relevant legal basis exists, particularly when scientific evidence is incomplete and there are reasonable grounds to anticipate significant or irreversible environmental harm. It should not, however, be treated as interchangeable with the international humanitarian law rules on precaution.[69]

Such an approach recognises the interrelationship between environmental sustainability, social stability and long-term peace.[70] Environmental peace building, through responsible natural resource management and cooperation, can therefore contribute to conflict prevention, resilience building and sustainable peace. Humanitarian organisations should consequently integrate environmental protection into civilian protection and humanitarian assistance rather than treating environmental concerns as a secondary consideration. Such integration would also help ensure that immediate humanitarian interventions do not undermine the longer-term conditions necessary for the realisation of the RtD.[71]

Environmental and natural resource challenges are not only threats to ecosystems but can also contribute to the outbreak and continuation of armed conflicts. Conversely, environmental peace building and cooperative natural resource management can provide opportunities

67 International Committee of the Red Cross Guidelines on the Protection of the Natural Environment in Armed Conflict: Rules and Recommendations Relating to the Protection of the Natural Environment Under International Humanitarian Law, With Commentary (2020) Rules 5-9.
68 International Law Commission (n 31) Principle 14.
69 L Golovko, V Ladychenko & O Yara 'Protection of the environment during armed conflicts: Economic international legal aspects' (2025) 11 *Baltic Journal of Economic Studies* 346.
70 Dahiya (n 59) 51.
71 As above.

for dialogue, confidence building, peace building and sustainable development.[72] Integrating environmental considerations into peace-building processes can support sustainable livelihoods, restore degraded ecosystems, address some underlying drivers of conflict and reduce the risk of renewed violence. Environmental cooperation and diplomacy are particularly important where communities or states share natural resources. Transboundary challenges, including shared water resources, forests and cross-border pollution, require cooperative approaches that can transform environmental pressures into opportunities for dialogue and peaceful collaboration.[73]

Finally, recovery and development interventions should be sensitive to the cultural, social and biophysical contexts of conflict-affected communities. Development assistance that is designed without adequate consideration of local conditions may unintentionally deepen existing social, ethnic or political tensions and undermine human rights. Environmental protection and recovery should therefore be approached through participatory assessments, local knowledge and context-sensitive planning.[74] This does not imply avoiding development interventions; rather, it requires more informed assessment of their potential environmental, social and human rights impacts. Such an approach can strengthen institutional resilience to support sustainable livelihoods, prevent renewed conflict, and create environmental and social conditions necessary for the effective implementation of the RtD.[75]

Accordingly, integrating environmental protection into humanitarian action and post-conflict recovery should be understood not as an additional environmental objective, but as an essential component of a rights-based approach to sustainable peace and development.[76] A multi-stakeholder framework involving states, UN agencies, humanitarian and development organisations, regional organisations, civil society, local

72 EM Mrema, C Bruch & J Diamond 'Protecting the environment during armed conflict: An inventory and analysis of international law' United Nations Environment Programme (2009) 54.

73 UNSDG 'Humanitarian-development-peace collaboration' Cooperation Framework Companion Piece (2020) 9.

74 F Sagasti 'A human rights approach to democratic governance and development' in United Nations *Realizing the Right to Development: Essays in Commemoration of 25 Years of the United Nations Declaration on the Right to Development* (2013) 130.

75 Hannan (n 5) 516-517.

76 Dahiya (n 59) 5.

institutions and affected communities can help bridge the gap between immediate humanitarian assistance and long-term sustainable recovery. Through such cooperation, environmental protection can become a practical mechanism for advancing civilian survival, institutional resilience, sustainable development, and the effective realisation of the RtD.[77]

## 6 A multi-stakeholder cooperation framework

The effective implementation of the RtD through environmental protection requires coordinated action among multiple stakeholders. The DRtD places the primary responsibility on states to create national and international conditions conducive to the realisation of the RtD, while also emphasising international cooperation and the active and meaningful participation of individuals and peoples in the development process.[78] Accordingly, a multi-stakeholder framework should bring together states and UN agencies, national human rights institutions (NHRIs), the private sector, civil society, local institutions and affected and marginalised communities. Each stakeholder has distinct but complementary responsibilities in promoting environmental protection, sustainable recovery, and the effective realisation of the RtD.[79]

### 6.1 States and United Nations agencies

States bear the primary responsibility for creating national conditions conducive to the realisation of the RtD. This includes adopting and implementing development policies that promote the continuous improvement of the well-being of the population, ensure active, free and meaningful participation, and provide equitable access to development opportunities and natural resources.[80] In conflict and post-conflict settings, these responsibilities should be operationalised through effective legislation administrative and judicial measures, and

77 As above.
78 Dam-de Jong (n 10) 87.
79 As above.
80 Arts & Tamo (n 38) 233.

institutional arrangements for environmental protection, consistent with applicable international obligations.[81]

States should also ensure the domestic implementation of international humanitarian law rules protecting the natural environment, including through legislation, regulatory systems, sanctions, military training, and other measures necessary to put those rules into practice.[82] In the post-conflict phase, states and relevant international organisations should cooperate in environmental assessment and remediation, while sharing and providing access to relevant information in accordance with applicable international law.[83] Such measures can support identification of environmental harm, the establishment of restoration priorities, and the integration of environmental considerations into recovery and development planning.

UN agencies, particularly those working in human rights, development, humanitarian assistance and environmental protection, can support states through technical assistance, capacity building, information sharing, coordination, monitoring and resource mobilisation.[84] Cooperation among states, UN agencies and other relevant actors can therefore strengthen national implementation, facilitate post-conflict environmental assessments and remedial measures, and help integrate environmental protection into the broader conflict-recovery-development continuum. These measures support the environmental, social and institutional conditions necessary for the effective realisation of the RtD.

### 6.2 National human rights institutions

NHRIs can serve as an important bridge between state, civil society and affected communities. Consistent with their mandates and the Paris Principles, NHRIs can monitor compliance with human rights standards, receive and investigate complaints, raise awareness, and advocate the incorporation of human rights obligations into national

81 International Law Commission (n 31) Principle 3.
82 International Committee of the Red Cross (n 67) Rule 27.
83 International Law Commission (n 31) Principles 23-24.
84 Mrema and others (n 72) 42.

laws and policies.[85] In the context of the RtD, NHRIs can monitor whether development and recovery policies respect participation, equality, non-discrimination, accountability and access to basic resources. They can also examine the human rights implications of environmental degradation and advocate the protection of communities whose livelihoods depend on natural resources. In post-conflict settings, NHRIs can contribute to peace building and institutional recovery by monitoring human rights commitments contained in peace agreements and supporting accountability and the rule of law.[86]

Cooperation between NHRIs and UN Country Teams (UNCTs) can further strengthen these functions, particularly in promoting a human rights-based approach, gender equality, environmental sustainability, results-based management and capacity development. Such cooperation can help translate international human rights commitments into national law, policy and practice.[87] NHRIs can therefore contribute to the accountability dimension of the proposed framework by providing an institutional mechanism for monitoring the human rights and environmental implications of development and recovery measures, while facilitating engagement between public authorities, communities and other relevant actors.

### 6.3 Private sector and civil society

The private sector and civil society also have important roles in advancing environmentally sustainable development and the RtD. Private Sector actors can contribute financial resources, technical expertise, innovation and employment opportunities, while civil society organisations can provide advocacy, community mobilisation, monitoring and accountability. Their participation should be guided by appropriate social and environmental standards and mechanisms for transparency and accountability.[88]

85 UNDP & OHCHR 'Toolkit for Collaboration with National Human Rights Institutions' (2010) 8.
86 As above.
87 UNDP & OHCHR (n 85) 9.
88 DB Karacan & M Ekşi 'The role of multi-stakeholder initiatives on the conflict and post-conflict areas: The case of the Syrian refugee crisis' (2022) *Journal of Black Sea Studies* 1012.

Multi-stakeholder initiatives (MSIs) can provide platforms through which governments, businesses, civil society and other actors establish environmental and social standards, monitor compliance, promote reporting and auditing and exchange knowledge and expertise. In conflict-affected settings, such partnerships can contribute to addressing environmental degradation, resource-related tensions, displacement and livelihood insecurity. However, private sector participation should be accompanied by appropriate safeguards to ensure that commercial interests do not undermine environmental protection, community rights or equitable access to natural resources.[89]

The ILC's 2022 Draft Principles add a more concrete basis for private sector component of the framework. Principle 10 recommends that states take appropriate measures aimed at ensuring environmental due diligence by business enterprises operating in or from their territory or jurisdiction when acting in conflict-affected areas, including in relation to the sustainable sourcing of natural resources. Principle 11 recommends measures aimed at ensuring that such enterprises can be held liable for environmental harm, including through adequate and effective procedures and remedies.[90] Because these principles are formulated as recommendations, they should be understood as authoritative guidance for domestic implementation and the progressive development of international law rather than as freestanding universal treaty obligations.[91] Their incorporation into national regulatory and accountability frameworks can nevertheless strengthen corporate responsibility for environmental harm and support more transparent and sustainable management of natural resources in conflict-affected and post-conflict settings.

### 6.4 Local communities and marginalised groups

Affected communities should be placed at the centre of the proposed cooperation framework because meaningful public participation is not merely a policy preference but an essential dimension of the RtD. Participation should be understood as an active, free and meaningful

89 As above.
90 International Law Commission (n 31) Principles 10-11.
91 International Law Commission (n 31) general commentary, para 3.

opportunity for individuals and communities to influence decisions affecting development, natural resources, environmental protection and recovery.[92] Development and recovery actors should therefore understand local conditions, community priorities, and the specific challenges faced by affected populations, and ensure that relevant information is accessible in a form that enables effective participation.[93]

The ILC's 2022 Draft Principles provide specific guidance concerning communities affected by armed conflict. Principle 5 requires appropriate measures to protect the environment of lands and territories inhabited or traditionally used by indigenous peoples concerned for the purpose of taking remedial measures.[94] Principle 8 addresses environmental harm arising from conflict-related displacement and provides a basis for considering environmental conditions in decisions concerning the return or resettlement of displaced persons.[95] These provisions should be applied where their specific conditions are met and should not be understood as establishing a general PERAC obligation covering all marginalised or vulnerable groups.

More broadly, individuals and communities affected by conflict and environmental degradation should have an equal and meaningful opportunity to participate in decisions concerning development, natural resource management, environmental restoration and post-conflict recovery. Relevant information should be made accessible, and development actors should strengthen the capacity of communities to participate effectively in decision-making processes. Particular attention should be given to marginalised and vulnerable groups, including persons with disabilities, older persons, women, displaced persons, and other groups that may face barriers to participation.[96]

Inclusive participation is particularly important in environmental restoration and livelihood-recovery programmes. Local communities possess knowledge of their ecosystems and resource-management practices that can improve the effectiveness and sustainability of recovery interventions. Their participation can also strengthen local ownership,

92 De Man (n 17) 460.
93 As above.
94 International Law Commission (n 31) Principle 5.
95 International Law Commission (n 31) Principle 8.
96 UNDP & OHCHR (n 85) 82.

accountability, social cohesion, and the legitimacy of post-conflict development programmes.[97]

## 6.5 An integrated and coordinated approach

The proposed multi-stakeholder framework is based on the understanding that neither a purely top-down nor a purely bottom-up approach is sufficient to address the complex environmental, institutional, social and economic challenges facing conflict-affected societies. A multi-level approach can combine the responsibilities, resources, knowledge and capacities of states, UN agencies, NHRIs, civil society, private-sector actors and affected communities. The framework should therefore operate through a coordinated implementation sequence rather than through cooperation as an end in itself.[98]

First, relevant actors should assess environmental harm, resource conditions, and community needs through environmental and post-conflict assessments.[99] Second, identified risks should be addressed through prevention and mitigation measures, including appropriate safeguards and sustainable resource management. Third, where scientific or other relevant information is incomplete, decision makers should apply precaution where the applicable legal framework so requires. Fourth, affected communities should be informed and meaningfully participate in decisions concerning their environment, natural resources, livelihoods and recovery. Fifth, responsibilities and environmental costs should be appropriately allocated, with access to accountability mechanisms, remedies and, where applicable, the polluter-pays principle. Finally, the implementation should be subject to continuous monitoring and review so that measures can be adjusted in light of new information, changing environmental conditions and community experience.[100]

Under this sequence, states and UN agencies provide the legal, institutional, technical and financial foundations for implementation; NHRIs contribute monitoring and accountability; civil society and affected communities contribute knowledge, participation and oversight; and private sector actors contribute resources and technical

97 De Man (n 17) 17.
98 UNDP & OHCHR (n 85) 83.
99 UNDP & OHCHR (n 85) 133.
100 Hannan (n 7) 526.

capacity subject to appropriate safeguards.[101] This coordinated process can integrate environmental protection into humanitarian assistance, peace building, reconstruction and development, while strengthening the social, economic, political and environmental conditions necessary for the effective realisation of the RtD.

## 7 Legal, policy and institutional reforms

The preceding analysis demonstrates that the effective implementation of the RtD in conflict and post-conflict settings requires reforms at the legal, policy and institutional levels. The chapter therefore proposes the integration of environmental protection and environmental justice into the implementation framework of the RtD, particularly in situations where armed conflict and post-conflict recovery threaten the environmental, social, economic and institutional conditions necessary for sustainable development. Such reforms should operate at both the national and international levels and should be supported by coordinated action among states, UN agencies, international financial institutions, regional organisations, civil society, the private sector and affected communities.[102]

### 7.1 Strengthening the legal framework for the right to development

First, the legal status and implementation of the RtD require further strengthening. The DRtD, as a declaration rather than a legally binding treaty, does not itself establish the treaty-based mechanisms of accountability, monitoring and enforcement that would accompany a binding international instrument. The codification of the RtD in such an instrument, therefore, would provide a stronger legal foundation for defining rights and responsibilities and establishing implementation and accountability mechanisms.[103]

The draft international covenant on the RtD provides a possible basis for such further development, but it does not itself constitute a

101 UNDP & OHCHR (n 85) 84.
102 Global Policy Forum 'Update on Right to Development (RtD): Looking towards the 11th session of the Expert Mechanism on Right to Development (EMRTD) (2-4 April 2025 at UNHQ)' Fact Sheet 8 (2025) 2.
103 United Nations General Assembly (n 14) UN Doc A/RES/41/128.

binding treaty. The draft text, if adopted in its present or a subsequently negotiated form, could provide for impact assessments of relevant laws, policies, practices and the conduct of persons, and could strengthen the integration of sustainable development into the implementation of the RtD.[104] Its provisions concerning sustainable development, participation, natural resources and international cooperation would provide further points of reference for integrating environmental considerations into the RtD framework.[105]

These proposals should therefore be distinguished from existing legal obligations. Whether or not a legally binding covenant is ultimately adopted, the chapter recommends progressively clarifying the responsibilities of relevant actors and expressly recognising environmental sustainability, protection of natural resources, meaningful participation, equality, and intergenerational interests as conditions necessary for the realisation of the RtD in conflict-affected and post-conflict societies. States should also retain sufficient regulatory space to address environmental risks, protect affected communities, regulate resource exploitation, and impose appropriate environmental standards on public and private actors.

### 7.2 Integrating environmental protection into national policies and conflict recovery frameworks

Second, environmental protection should be integrated into national development, humanitarian, peace-building, reconstruction and post-conflict recovery policies. As demonstrated in the preceding parts, environmental degradation is not merely an incidental consequence of armed conflict; it can directly undermine livelihoods, food security, access to water, public health, natural resource governance, and the institutional foundations of sustainable development. Consequently, environmental considerations should be incorporated throughout the conflict-to-recovery continuum rather than being addressed only after the immediate humanitarian crisis has ended.[106]

104 United Nations Human Rights Council (n 19) art 21.
105 United Nations Human Rights Council (n 19) arts 4, 8 & 24.
106 Dam-de Jong (n 10) 214.

States should, consistent with applicable legal obligations, develop policies and safeguards for environmental assessment in humanitarian, reconstruction and development programmes. For the purposes of this chapter, environmental protection should be treated as a substantive implementation requirement, requiring decision makers, where appropriate, to identify measures that avoid or minimise significant environmental harm while pursuing legitimate development objectives. Policies should identify environmentally sensitive areas establish mechanisms for preventing further degradation, protect natural resources from unsustainable exploitation, and provide for environmental restoration where damage has occurred. Post-conflict development programmes should also incorporate pre-conflict environmental baseline information, where available, and establish priorities for environmental assessment, remediation, restoration and recovery.[107] The ILC's PERAC Principles provide relevant guidance in this regard, particularly in Principles 22 to 25, which address environmental considerations in peace processes, access to information, post-conflict environmental assessments and remedial measures.[108]

Where environmental risks are significant or potentially irreversible, decision makers should apply precaution where the applicable legal or policy framework so requires. These measure form part of the implementation framework proposed by this chapter and should not be presented as universally binding environmental obligations in the absence of a specific legal basis.[109]

The recent work of the Expert Mechanism on the Right to Development (EMRtD) provides a broader context for this approach, particularly its consideration of international development cooperation, financing, biodiversity, trade, participation and structural conditions affecting development. These developments support the argument that environmental protection should be integrated into development policy and decision making rather than treated as a competing or secondary consideration.[110] The proposed approach, therefore, seeks to strengthen the environmental, institutional and participatory conditions necessary

107 International Law Commission (n 31) Principles 22-25.
108 As above.
109 De Sadeleer (n 51) 225.
110 Expert Mechanism on the Right to Development 'Thematic study on international development cooperation and the right to development' (9th session); Expert

for the effective implementation of the RtD in conflict-affected and post-conflict settings.

### 7.3 Strengthening environmental accountability in resource exploitation

Third, legal and policy reforms should strengthen accountability for environmental harm associated with the exploitation of natural resources during armed conflict and post-conflict recovery. Where resources are exploited in conflict-affected areas, weak regulation and inadequate safeguards may contribute to environmental damage without effective accountability or remediation.[111]

Business accountability should include appropriate environmental due diligence and access to effective procedures and remedies. The ILC's PERAC Principles provide relevant guidance in this regard: Principle 10 addresses state measures aimed at ensuring environmental due diligence by business enterprises operating in or from their territory or jurisdiction in conflict-affected areas, while Principle 11 addresses measures aimed at ensuring business liability for environmental harm.[112] These provisions are recommendations within the PERAC framework and should not be presented as free-standing universal treaty obligations.[113]

The polluter-pays principle can complement these measures as a cost allocation principle, ensuring, where the applicable legal regime so provides, that the costs of environmental harm are not unfairly transferred to the state or affected communities. Its binding effect, therefore, depends on the applicable treaty, customary, domestic or other legal framework. As a proposed reform, governments could also incorporate environmental protection, human rights, transparency, accountability, prevention, mitigation, remediation, restoration, community participation, and appropriate remedies into contracts with private actors, particularly in extractive industries.[114]

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Mechanism on the Right to Development 'Trade, biodiversity and the right to development: An equation to be constructed' (10th session).

111 Brauer (n 29) 29.

112 International Law Commission (n 31) Principles 10-11.

113 International Law Commission (n 31) general commentary, para 3.

114 De Sadeleer (n 53) 49.

Such contractual safeguards should complement rather than replace statutory regulation and applicable international legal obligations. Particular attention should also be given to preventing natural resource agreements from contributing to the financing of armed groups, exacerbating local inequalities, or undermining the rights and livelihoods of affected communities.

### 7.4 Strengthening the environmental protection framework under international humanitarian law

Fourth, the legal protection of the environment during armed conflict should be understood in light of the contemporary framework reflected in the ILC's 2022 Draft Principles on PERAC and the ICRC's 2020 Guidelines. These instruments consolidate and clarify important protections while recognising distinctions in legal status. PERAC Principle 13 addresses respect and protection of the environment in accordance with applicable international law and, in particular, the law of armed conflict. It also addresses widespread, long-term and severe environmental damage and provides that no part of the environment may be attacked unless it has become a military objective. Principle 14 applies the international humanitarian law rules of distinction, proportionality and precautions to the environment. Principles 15 and 16 address reprisals and pillage, while Principles 19 to 21 address environmental protection in situations of occupation.[115]

The ICRC 2020 Guidelines similarly restate specific and general international humanitarian law protections. Rules 1 to 4 address due regard, widespread, long-term and severe damage, the use of environmental destruction as a weapon, and reprisals. Rules 5 to 9 apply distinction, prohibitions concerning indiscriminate attacks, proportionality, and precautions to the natural environment. Rules 10 to 15 address objects indispensable to civilian survival, dangerous installations, cultural property and property and natural resource, while Rules 26 to 32 address respect for international humanitarian law, national implementation, repression of war crimes, dissemination, legal advice and weapons review. The Guidelines present themselves as the

115 International Law Commission (n 31) Principles 13-16 & 19-21.

ICRC's restatement of existing international humanitarian law and do not purport to create new obligations.[116]

These materials also clarify the chapter's four-principle framework. The prevention function is supported by concrete international humanitarian law duties to avoid or minimise foreseeable environmental harm by PERAC's broader prevent-mitigate-remediate approach. Public participation and access to information are particularly relevant to post-conflict assessment, remediation and developmental decision making. By contrast, the environmental precautionary and polluter-pays principles should be presented as complementary environmental governance principles whose legal effect depends on the applicable treaty, customary, domestic or policy framework. They should not be presented as universal international humanitarian law rules.[117]

### 7.5 Establishing institutional coordination and multi-stakeholder governance

Finally, effective implementation requires a clearly designated national coordination mechanism capable of bringing together environmental, human rights, humanitarian, peace-building and development expertise. The mechanism should include relevant national authorities and provide structured participation for UN agencies, NHRIs, civil societies, affected communities and, where appropriate, responsible private-sector actors. Its precise institutional form should be determined according to the national context.

The coordination mechanism should produce a joint environmental and recovery assessment, an environmental recovery plan, clearly assigned institutional responsibilities, identified financing arrangements, measurable monitoring indicators, regular public reporting, and accessible grievance and remedy mechanisms.[118] Relevant international and regional actors can support technical assessment, capacity building, financing, information sharing and coordination where national capacity is insufficient. Meaningful participation by affected communities should

116 International Committee of the Red Cross (n 67) Rules 1-5 & 26-32.
117 International Law Commission (n 31) general commentary, para 3.
118 UNDP & OHCHR (n 85) 8-9.

be maintained throughout assessment, planning, implementation, monitoring and review.[119]

Implementation should, therefore, be organised according to phase-specific responsibilities and accountability pathways. During assessment, the lead national coordination mechanism, relevant environmental authorities, UN agencies, NHRIs and affected communities should identify environmental harm, development needs, vulnerable groups and available baseline information. During prevention and mitigation, responsible authorities and relevant private actors should implement applicable environmental, humanitarian and human rights safeguards and address identified risks.[120] During decision making under uncertainty, competent authorities should apply applicable precautionary requirements and document the basis for decisions. During participation and information sharing, authorities should provide accessible information and ensure meaningful participation by affected communities and other relevant stakeholders. During allocation and remedy, responsibility for environmental harm and the costs of prevention, mitigation, remediation and restoration should be allocated in accordance with applicable law, with accessible grievance and remedy mechanisms. During monitoring and review, NHRIs, civil society, public authorities, communities and other appropriate actors should monitor implementation, publish relevant findings, and review measures against agreed indicators.[121]

This approach would transform institutional coordination from a general commitment to cooperation into an operational mechanism linking assessment, prevention, decision making, participation, responsibility, remedy and review. It would also facilitate the integration of environmental protection into humanitarian assistance, peace building, reconstruction and longer-term development. The proposed reforms therefore seek to transform environmental protection from a peripheral concern into an integral component of RtD implementation, while strengthening environmental sustainability, institutional

119 International Law Commission (n 33) Principles 22-25.
120 International Law Commission (n 33) Principles 1-3.
121 International Committee of the Red Cross (n 67) Rule 5-9 & 26-32.

resilience, sustainable livelihoods, conflict prevention and equitable development.[122]

The recent work of the EMRtD reinforces the relevance of international cooperation and attention to structural conditions affecting development, including financing, biodiversity, trade and participation.[123] These developments provide broader support for coordinated institutional arrangements, but do not themselves establish the specific national coordination mechanisms proposed in the chapter.

## 8 Conclusion

The analysis demonstrates that environmental protection during armed conflict and post-conflict recovery is closely connected to the effective realisation of the RtD. Armed conflict can simultaneously destroy development gains, degrade ecosystems and natural resources, weaken institutions, and undermine livelihoods and human security. Environmental degradation should therefore be understood not merely as a consequence of armed conflict, but as a continuing barrier to the environmental social, economic and institutional conditions necessary for sustainable development and the realisation of the RtD. Integrating environmental considerations throughout the conflict-to-recovery continuum is consequently essential to sustainable recovery and long-term development.

Although the RtD has undergone significant normative and institutional development since the adoption of the DRtD in 1986, important gaps remain concerning implementation, accountability monitoring and enforcement. The development of a draft international covenant may contribute to further codification and clarification of the RtD, but the draft does not itself constitute binding treaty law. Similarly, the ILC's 2022 PERAC Principles and the ICRC's 2020 Guidelines provide important legal and policy reference points for environmental protection while differing in legal status and function. Effective implementation, therefore, requires a clear distinction between existing binding obligations, interpretive guidance, and recommendations for progressive development and reforms proposed by this chapter.

122 UNDP & OHCHR (n 85) 191.
123 EMRtD 9th and 10th sessions (n 110).

Against this background, the chapter proposes that prevention, precaution, public participation, and the polluter-pays principle should be understood as functionally complementary environmental governance principles rather than as uniformly binding obligations derived from the DRtD or international humanitarian law. Their legal effect depends on the source and context in which they operate. Applied within their respective legal and policy frameworks, these principles can guide environmental assessment, prevention and mitigation, decision making under uncertainty, meaningful participation, accountability, and the allocation of responsibility for environmental harm and remediation. Their integration into humanitarian action, peace building, reconstruction and development can therefore strengthen coherence between applicable international humanitarian law, international human rights law, international environmental law, and national regulatory frameworks.

The chapter further proposes a multi-stakeholder cooperation framework centred on a clearly designated national coordination mechanism. The proposed mechanism would bring together relevant national authorities and provide structured participation for UN agencies, NHRIs, civil society, affected communities and, where appropriate, responsible private sector actors. Its operational contribution lies in linking phase-specific responsibilities and accountability pathways: environmental assessment; prevention and mitigation; decision making under uncertainty, participation and information sharing; allocation of responsibility and remedy; and monitoring and review. The framework would also generate practical outputs, including joint environmental and recovery assessments, environmental recovery plans, assigned institutional responsibilities, financing arrangements, monitoring indicators, public reporting, and accessible grievance and remedy mechanisms.

Ultimately, the chapter argues that environmental protection should be treated as an integral dimension of RtD implementation in conflict-affected and post-conflict societies rather than as a peripheral environmental objective. The proposed approach does not create new universal legal obligations by assertion; rather, it seeks to connect existing legal standards and relevant environmental governance principles with concrete institutional and policy measures. By strengthening environmental safeguards, sustainable natural resource governance,

accountability, meaningful participation, institutional coordination and cooperation among relevant stakeholders, the framework provides a practical basis for linking environmental protection with humanitarian action, sustainable recovery, peace building and development, thereby supporting the conditions necessary for the effective realisation of the RtD.

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