

ONITA DAS: ENVIRONMENTAL PROTECTION, SECURITY AND ARMED CONFLICT

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As Principles 24 and 25 of the *Rio Declaration* remind us, “warfare is inherently destructive of sustainable development,” whereas “peace, development and environmental protection are interdependent and indivisible.” We have long watched violent conflicts ravage natural environments and the peoples who inhabit them – water sources poisoned, chemical weapons burning flesh and forest, food stock destroyed and forests cleared. Harm can also flow from the environmental effects of war preparation and readiness, the maintenance of strategic bases internationally, or the unintended consequences of post-conflict reparations. The relation between environmental sustainability, security and armed conflict run deep, as they are indeed interdependent and indivisible.

Despite the many linkages between environmental well-being, security and armed conflict, Onita Das' book, *Environmental Protection, Security and Armed Conflict: A Sustainable Development Perspective*, is one of a rather small body of legal scholarship on the topic.¹ It is not that legal scholars have not been concerned with these issues. Contributions to law and armed conflict, or law and security, as well as law and the environment are profuse. Rather, what has been limited are integrations of all of the above. What we find mainly are writings on international humanitarian law protecting the environment and a proposed international crime of ecocide or geocide.² Das brings light to this void and argues for the

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¹ See, for example, the 2008 special issue on Environmental Security and International Law by the *Yearbook of International Environmental Law*.

³ See, for example, J. Austin and C.E. Bruch, *The Environmental Consequences of War: Legal, Economic and Scientific Perspectives* (Cambridge University Press, 2000), and D. Dam-de Jong, “International Law and Resource Plunder: The Protection of Natural Resources During Armed Conflict” *International Environmental Law* (2008) 19 (1): 27. See also, M.A. Drumbl, “Waging War Against the World: The Need to Move from War Crimes to Environmental Crimes” *Fordham International Law Journal* (1998) 22: 122, L. Berat, “Defending the Right to a Healthy Environment:

relevance of sustainable development law to environmental security pre-, during and post-conflict.

Das provides a useful survey of the international law of sustainable development and its primary principles backed by growing international recognition and case law (for example, three pillars of sustainable development, intergenerational and intragenerational equity, common but differentiated responsibilities). She then connects this to early environmental security theories that focused on causal relations between environmental degradation, violent social conflict, and the need for traditional security responses (i.e., military) to this “new” international security threat.³ According to Das, sustainable development is important in preventing environmental degradation that can lead to violent armed conflicts. She utilizes two case studies, Kosovo and South Sudan, to illustrate how international law has been applied (or could) to protect the environment (the basis of sustainable development) before, during and after international armed conflicts.

In the introductory chapter we are provided an overview of the book. Chapter two begins with a theoretical framework based on the international law of sustainable development. Das outlines a history of international sustainable development law and the status of its primary sub-principles: sustainable use of natural resources, equity and eradication of poverty, common but differentiated responsibilities, precaution, participation, good governance, integration and interrelationship, and polluter pays. Das notes that although these principles are not *erga omnes*, they are referenced more frequently and their definitions and applications have gained greater clarity. She then proceeds to demonstrate the relevance of these principles pre-, during and post-conflict in the chapters that follow.

Chapter three discusses sustainable development in the prevention of armed conflict with examples in Africa: Somalia, Sudan and Sierra Leone, each indicating a failure by the international community to prevent environmentally-induced violence. Chapter four looks at international laws of war or international humanitarian law in protecting the environment. As nearly every scholar who has written on this topic has noted, military deference in such cases nearly always prevails or alternatively, environmental harms are not deemed to be severe enough, long-term enough and/or sufficiently beyond repair to rise to the level of an

Toward a Crime of Geocide in International Law” *Boston University Law Journal* (1993) 11: 327., and M.A. Gray, “The International Crime of Ecocide” *Cal. W. Int’l L.J.* (1996) 26: 215.

³ J. Barnett, *The Meaning of Environmental Security: Ecological Politics and Policy in the New Security Era* (Zed Books Ltd., 2001).

international crime.⁴ As examples of failed attempts at accountability for wartime environmental violations, Das presents Kosovo and the First Gulf War. Chapter five examines types of post-conflict reparations (for example, restitution, compensation) and implementation. She concludes in Chapter six with an observation on the challenges and with suggestions for integrated early warning systems, greater action by the UN Compensation Commission (UNCC) and UN Peacebuilding Commission, and the use of Post-Conflict Environmental Assessments (PCEAs).

Onita Das' book is a much-needed contribution to literature that draws together the worlds of environmental law and environmental security. Her overview of sustainable development law demonstrates knowledge of environmental legal history, but her foray into environmental security is unusually superficial. The field has evolved from early causal speculations linking degradation to violence. It now reflects more complex political economic descriptions of greed (conflicts over abundant resources), grievance (scarcity-induced conflicts), perceptions of scarcity and injustice (raising questions of absolute scarcity vs. perceived scarcity and the role of governance in both), and a number of intervening characteristics (for example, ingenuity or capacity for endogenous technical change) that can ameliorate conflict escalation.⁵ International sustainable development law will similarly need to respond with an ecosystem or systems approach to environmental protection in times of peace and conflict if it is to suffice. There is certainly much more to be explored in this cross-section of human concerns (war and the environment) from a legal perspective (for example, an analysis of environmental laws proven effective in managing resources at various stages of conflict resolution). Thankfully Onita Das has shed light on some important aspects that help us to see where we must venture.

Recognition of sustainability principles, not only in international law and jurisprudence, but in daily life and practice, is essential if sustainable development is to have meaning and value. Onita Das shows us that through international sustainable development law there are ways to protect the environment in times of war or in times of peace, and that environmentally

⁴ See, for example, M. Drumbl, *ibid.*, and M.H.Nordquist, Panel Discussion on International Environmental Crimes: Problems of Enforceable Norms and Accountability, *ILSA J. Int'l & Comp. L.* (1996-1997) 3: 697.

⁵ See I. de Soysa, "Ecoviolence: Shrinking Pie, or Honey Pot?," *Global Environmental Politics* (2002) 1, J. Sachs and A. Warner, *Natural Resource Abundance and Economic Growth* (National Bureau of Economic Research, 1995), D. Lal and H. Myint, *The Political Economy of Poverty, Equity, and Growth* (Clarendon Press, 1996), C.H. Kahl, *States, Scarcity, and Civil Strife in the Developing World* (Princeton University Press, 2006), and P. Le Billon, *Wars of Plunder: Conflicts, Profits and the Politics of Resources* (Hurst & Co., Ltd., 2012).

sustainable development can lead us away from war towards greater peace. This book is recommended for anyone with an interest in the environment, security, peace and conflict.