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2. Guest Editorial by Eliana Cusato: *Ecology in the war against Ukraine and beyond*

(<https://www.uva.nl/en/profile/c/u/e.t.cusato/e.t.cusato.html>) **Eliana Cusato** (<https://www.uva.nl/en/profile/c/u/e.t.cusato/e.t.cusato.html>)

As the war against Ukraine drags on, the environment is characterized as another 'casualty'. First assessments point to significant ecological impacts that could leave the country and region with a toxic legacy for generations. But nature is more than a 'silent victim' of military conflicts, something to be protected and cherished. The war in Ukraine has also been fought with energy policies, including the EU import prohibition on Russian oil and the Russian



'weaponization' of gas supplies. Calls not to be complicit in 'Putin's war', by consuming Russian natural resources, have multiplied since the conflict's outbreak. At the same time, fossil extraction has been revived and ramped up in other regions.

The war illustrates that nature, in the form of fossilized carbon resources, remains foundational to a global extractivist economy, despite attempts to decarbonize society. Paying attention to the ecological dimensions of the war against Ukraine (and conflicts beyond that), I suggest, offers the opportunity to reconsider the place of the natural world within international law. How is nature framed in legal norms governing military conflicts and the transition to peace? What could we learn about international law by exploring how it deals with the 'ecology of war and peace'?

Political scientists, ecologists, and economists have, at least since the 1980s, sought to explain the relationship between environmental 'scarcity' and 'abundance', on the one side, and authoritarianism, instability, and violent conflict, on the other. Some specific ideas have become popular in international law, influencing how the 'ecology of war and peace' has been discussed and addressed so far. Notably, greed theories, emphasizing the economic motivations for starting or prolonging armed conflict, paved the way to commodity sanctions to curb trade in 'conflict resources' and 'good governance' interventions in countries in the Global South. Here nature is seen primarily as a resource to be appropriated, extracted, and traded in global markets – thereby financing violence and insecurity.

A closer look at rules governing armed conflict illustrates that such a narrow understanding of the natural world is deeply embedded in the field. In the laws of war, the 'environment' is treated as instrumental to other, more pragmatic goals associated with warfare. Ideas of nature as public or private property, and as economic asset to be protected from the excess of war, have shaped legal practices since the modern origins of the discipline. The way in which post-WWII tribunals dealt with scorched earth practices and the resource plunder in Nazi occupied territories confirms that the main concern was to establish accountability for conducts that, while degrading the environment, resulted in immediate harm to the enemy's property and the economic interests of the concerned country (its 'economic capital').

More recently, the idea of nature as a 'victim' of war has also emerged. Yet, even when framed as a 'victim', or 'casualty', environmental degradation is acknowledged as a tragically unavoidable sacrifice in relation to the larger objectives of war. That is not to say that concerns about environmental preservation and human well-being have been ignored in legal debates and practices. On the contrary, interpretative efforts to introduce environmental considerations into the laws of war have proliferated over the last decades. Still, as the *Nuclear Weapons Advisory Opinion* demonstrates, balancing ecological sustainability and militarism/war-making remains a difficult exercise. Warfare is the negation of sustainability and intra/inter-generational equity. While environmental law principles may mitigate the rationale underpinning the *jus in bello*, they cannot transform it. Even the most progressive legal arguments struggle to reconcile the justifications for preserving nature with the destructive logic of warfare, raising the question of whether there can ever be a reconciliation between these two logics.

Where does this leave us? Environmental disruptions, militarism, and rising inequalities demand scholars to ask uncomfortable questions that illuminate the assumptions entrenched in the field, the law's alliance with a specific system of values, and the role of our own discipline in restricting the possibility of more ecologically just futures.