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ENVIRONMENTAL CONSEQUENCES OF WAR AS A THREAT TO HUMAN RIGHTS: LEGAL DIMENSION

Armed conflicts of the 21st century extend far beyond traditional military confrontations, encompassing complex humanitarian and environmental dimensions that significantly affect the realization of fundamental human rights. In contemporary conditions, environmental degradation caused by warfare has become one of the most serious and long-term threats, as it not

only destroys ecosystems but also directly undermines human well-being, health, and security. The ongoing war in Ukraine provides a striking example of how large-scale military actions generate profound ecological consequences, which in turn pose substantial risks to the protection and enjoyment of human rights.

The relevance of this issue is determined by the increasing recognition of the interdependence between environmental protection and human rights in international law. Environmental harm is no longer viewed solely as an ecological concern but is increasingly understood as a direct violation of human rights. Therefore, the purpose of this study is to examine the impact of environmental consequences of war on the realization of human rights and to analyze the effectiveness of existing legal mechanisms designed to ensure their protection.

The environmental consequences of armed conflict manifest in various forms, including contamination of soil, water resources, and air, destruction of ecosystems, and disruption of ecological balance. In the case of Ukraine, military actions have led to significant pollution due to the destruction of industrial facilities, oil depots, chemical plants, and energy infrastructure. These processes contribute to the release of hazardous substances into the environment, creating long-term risks for ecosystems and human populations [1].

Such environmental damage has a direct and multifaceted impact on human rights. First and foremost, it threatens the right to life, as environmental pollution increases mortality risks and contributes to the spread of diseases. The right to health is also severely affected, since exposure to toxic substances, contaminated water, and polluted air leads to both immediate and long-term health problems. In addition, environmental degradation undermines the right to an adequate standard of living, as it limits access to essential resources such as clean water, food, and safe housing [2].

Particularly alarming is the destruction of critical infrastructure that ensures access to water, energy, and sanitation. Damage to water supply systems, sewage facilities, and power plants not only disrupts daily life but also creates conditions that may lead to humanitarian crises. In such circumstances, vulnerable groups, including children, the elderly, and internally displaced persons, are disproportionately affected, which further exacerbates inequality and discrimination [3].

From a legal perspective, the protection of the environment during armed conflicts is governed by a combination of international humanitarian law, international environmental law, and international human rights law. The Geneva Conventions and their Additional Protocol I establish fundamental rules regarding the conduct of hostilities and include provisions aimed at limiting environmental damage. In particular, Article 35(3) and Article 55 of Additional Protocol I prohibit methods or means of warfare intended or expected to cause widespread, long-term, and severe damage to the natural environment [4].

In addition, the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD Convention) prohibits the use of environmental modification techniques with widespread, long-lasting, or severe effects as a means of destruction, damage, or injury [5]. However, the scope of this Convention is relatively narrow, and its practical application remains limited.

At the same time, international environmental law has traditionally been developed in peacetime conditions and does not fully address the specific challenges posed by armed conflicts. This creates significant gaps in legal regulation, particularly in relation to accountability for environmental damage. Although the Rome Statute of the International Criminal Court recognizes environmental destruction as a war crime under certain conditions, the threshold for establishing such crimes remains very high, which complicates prosecution [6].

An important development in recent years has been the recognition of the right to a clean, healthy, and sustainable environment as a human right by the United Nations General Assembly. This recognition strengthens the legal basis for linking environmental protection with human rights obligations and reinforces the responsibility of states to prevent environmental harm, including in situations of armed conflict [7].

Nevertheless, enforcement mechanisms remain insufficiently effective. Challenges include difficulties in collecting evidence, lack of political will, and limited jurisdiction of international institutions. Furthermore, the transboundary nature of environmental damage complicates accountability, as pollution and ecological degradation often affect multiple states and regions simultaneously [8].

Given these challenges, there is a clear need to strengthen international legal mechanisms aimed at protecting the environment during armed conflicts and ensuring accountability for violations. This includes the development of clearer legal standards, improved monitoring systems, and enhanced international cooperation. It is also essential to integrate environmental considerations into post-conflict reconstruction processes to ensure sustainable recovery and long-term protection of human rights.

In conclusion, the environmental consequences of war represent a serious and multifaceted threat to the realization of human rights. The case of Ukraine demonstrates that environmental degradation caused by armed conflict has both immediate and long-term impacts on human life, health, and well-being. Despite the existence of relevant legal frameworks, their effectiveness remains limited, highlighting the need for further development of international law. Strengthening legal accountability and improving mechanisms of environmental protection during armed conflicts are crucial steps toward ensuring the protection of human rights and achieving global stability.

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EU TEMPORARY PROTECTION DIRECTIVE AND ITS IMPLEMENTATION BY THE MEMBER STATES WITHIN THE CONTEXT OF THE EUROPEAN UNION AND UKRAINE

In 2022, a week after the Russian invasion of Ukraine, the Council of the European Union unanimously activated the Temporary Protection Directive (2001/55/EC) [1] for the first time since its adoption. The Directive was adopted in 2001, in the aftermath of the large-scale displacement due to the armed conflict in the Western Balkans, in particular from Bosnia and