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Jus ad Bellum in Law of Environmental Protection

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ABSTRACT

Jus ad Bellum or the Right to War commonly denotes the law of Armed Conflict. According to ICRC, any difference arising between two States and leading to the intervention of the armed forces and ending with a conflict is an International Armed Conflict. Armed Conflict is closely linked to the Environment, in such a manner that the two cannot coexist. Where there is armed conflict, there is destruction and damage. Damage to populations, property, heritage and most importantly environment. The concern for the environment during the times of war began when Agent Orange was used in the Vietnam war destroying the entire environment. There has increased an importance in the protection of environment even during the times of conflict because of the new forms of weapons and the advancement in the Defense and weaponry. With the advent of biological and chemical warfare, nuclear war has become less dangerous than the environment altering weaponry that does not just destroy but alter the eco-system and life as we know it. Laws and conventions that exist as of date are not as popular, in the sense that, there is lack of awareness regarding the same. The paper aims to study the interrelationship between the law of armed conflict and the environmental protection law. The scope of this paper includes the various methods of warfare and the laws governing and regulating the same but excludes any laws or information relating to Nuclear Warfare as this topic would conclude the existence of the Environment and therefore would negate the topic, in itself.

I. INTRODUCTION

“All’s fair in war”, “men didn’t make war men are made for war” these are a few age-old sayings that have neither lost its importance nor its significance everyday. From the start of human civilisations wars have played a common role, the reason it has become a huge threat is the magnanimity of it and the reach it has. When wars were fought with sticks and stones though lives were lost it is incomparable to what was lost in the First and the Second world wars. *Jus ad Bellum* or the *Right to War* commonly denotes the law of Armed Conflict.

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According to ICRC, any difference arising between two States and leading to the intervention of the armed forces and ending with a conflict is an International Armed Conflict. Armed Conflict is closely linked to the Environment, though in a negative manner it is still interlinked, in such a manner that the two cannot coexist. The concern for the environment even during the times of war began when Agent Orange was used in the Vietnam war destroying an entire environment. There has been an increased importance in the protection of environment even during the times of conflict because of the new forms of weapons and the advancement in the Defence and weaponry. With the advent of biological and chemical warfare, the nuclear war has become less dangerous than the environment altering weaponry that cannot just destroy but alter the eco-system and life as we know it. Laws and conventions that exist as of date are not as popular, in the sense that, there is lack of awareness regarding the same.

II. LIMITS ON WAR

In the past few years, millions and billions of lives have been torn apart by armed conflict and violence across the globe, indiscriminate of attacks against innocent civilians, children, hospitals, the weak and the dying, water supplies and heritage sites. With the destruction and loss of lives wreaking havoc and tearing apart lives, the failure of States to agree on a mechanism to strengthen the rules of war in 2015 was a big blow indeed. The important question to be asked here is that, can limits be placed on war and whether it is viable. After the WWII which almost succeeded in wiping out an entire race of the earth and where two cities were razed to ground with millions feeling the effect till date, we as a human community recognizing the basic humanitarian concern for one and another have accepted that war indeed must and should invariably have limits or laws. An international armed conflict occurs when one or more States have recourse to armed force against another State, regardless of the reasons or the intensity of this confrontation. No formal declaration of war or recognition of the situation is required.² During the internal armed conflict in Rome, Cicero pleaded that, “*the laws are silent among those who use weapons*”³ In this effect, many have questioned whether war can be regulated by law, this led to various questions including that of a State’s sovereignty to defend itself at times of war and the question of how legal considerations can be placed when collective survival is at stake. But despite these concerns, the Law of Armed Conflict or Jus ad Bellum had come into effect.⁴ The law of armed conflict governed by the international humanitarian law which both go hand in hand. Both together has been referred in the legal

² ICRC, International Humanitarian Law – Treaties & documents

³ (Cited in Cicero, Pro Milone, 4.11).

⁴ Greenberg, Joel (2011), Illegal Targeting of Civilians, Crimes of War Education Project

community as *jus ad bellum* (legality to use law) and *jus in bello* (humanitarian rules to be respected in warfare). Though initially these laws had appeared illogical and was not followed in the beginning, today, the use of force between States is a peremptory rule of international law that is being followed by most countries. The international law of armed conflicts (LOAC) places restrictions on parties involved in the conflict and rules and regulations on how to conduct oneself in times of war. This has been enforced through the Geneva Convention of 1929 to improve the conditions of the injured soldiers.⁵ The Hague Convention also aims at regulating the conduct in warfare, which was also later adopted. Along with these laws, In the August of 1949, the four Geneva Conventions as known today were adopted, this Convention in addition to the protection of hurt soldiers also includes the protection of civilians, reflecting with it the effect of WWII. The core of these laws remain in the Geneva Conventions and Additional Protocols.⁶ The principles so enshrined are as follows;⁷

- Soldiers who surrender or who are hors de combat are entitled to respect for their lives and their moral and physical integrity. It is forbidden to kill or injure them.
- The wounded and sick must be collected and cared for by the party to the conflict which has them in its power. Protection also covers medical personnel, establishments, transports and equipment. The emblem of the red cross, red crescent or red crystal is the sign of such protection and must be respected.
- Captured combatants are entitled to respect for their lives, dignity, personal rights and convictions. They must be protected against all acts of violence and reprisals. They must have the right to correspond with their families and to receive relief.
- Civilians under the authority of a party to the conflict or an occupying power of which they are not nationals are entitled to respect for their lives, dignity, personal rights and convictions.
- Everyone must be entitled to benefit from fundamental judicial guarantees. No one must be sentenced without previous judgment pronounced by a regularly constituted court. No one must be held responsible for an act he has not committed. No one must be subjected to physical or mental torture, corporal punishment or cruel or degrading treatment.

⁵ Johnson, James Turner (198), *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry*, New Jersey: Princeton University Press

⁶ Roberts, Adam; Guelff, Richard, eds. (2000), *Documents on the Laws of War* (Third ed.), Oxford University press, ISBN 0-19-876390-5

⁷ <https://www.icrc.org/eng/war-and-law/overview-war-and-law.html>

- Parties to a conflict and members of their armed forces do not have an unlimited choice of methods and means of warfare. It is prohibited to employ weapons or methods of warfare of a nature to cause unnecessary losses or excessive suffering.
- Parties to a conflict must at all times distinguish between the civilian population and combatants in order to spare civilian population and property. Adequate precautions shall be taken in this regard before launching an attack.⁸

In the years that passed, these laws were amended and new laws were added, that included the protection of heritage sites and most importantly the Environment. This especially became the need of the hour after the advent use of Chemical and Biological warfare that had been used as war tactics in Gulf War and the Vietnam War.

III. VIOLATION OF ENVIRONMENT DURING WAR

On the 9th of December, 1991, the United Nations General Assembly made important decisions on the “*Exploitation of the Environment as Weapon in times of conflict and the taking of practical measures to prevent such exploitations*”⁹ this decision of the U.N. finds its roots in the principles of International Humanitarian Law, which had set its limits, from its inception to protect people, monuments and other objects in natural environment from hostiles. War has been present in this world since the evolution of homo sapiens. Where war in the beginning was fought with sticks and stones evolved to the fighting with nuclear power from where the latest weaponry system seem to be that which does not just destroy or causes harm to the environment but modifies it. The need to set limitations on war with respect to the environment came after the Gulf war and the Vietnam war, both in which the Environment was violated to the point where it was unrecognisable.

Case I: The Vietnam War

The Vietnam war between the U.S. and Vietnam, though devastating in many ways, the long-term effect would be to the ecological imbalance in the state or in other words, “*Ecocide*”. The Vietnam war introduced many new technologies, one of which changed the history of warfare.¹⁰ That was the “*Chemical Warfare*” method used by the U.S. the biggest advantage that the Viet Cong soldiers had over the U.S. was the knowledge of the forests, which they used it to their advantage. The U.S. used this new tactic in war as a means of counter-combat, they

⁸ ICRC Treaties & Documents by date

⁹ Supra, 6.

¹⁰ Kinzer, Stephen (2013-10-01). *The Brothers: John Foster Dulles, Allen Dulles, and Their Secret World War*. Macmillan. pp. 195–96. ISBN 978-1429953528.

used large amounts of chemicals to clear out and destroy the forests that provided cover to the enemies.¹¹ This tactic was also useful in the age-old war tradition of destroying the enemy's crops in the hope of encouraging surrender. Two of the numerous chemicals that were widely used in Vietnam were Agent Orange and Napalm.

Agent Orange was a dangerous mix of two herbicides dispersed by the Air Force in what became known as Operation Ranch Hand. Ranch Hand members became infamous for the massive amounts of damage they inflicted, which is evident in their unofficial motto "Only You Can Prevent Forests". The project used cargo planes to spray the chemical 150 feet above the treetops.¹² It killed off vegetation that had provided the enemy with cover, and their food crops. The chemical was very dangerous to people who came into contact with it and its use was stopped in 1971, but the damage was already great after almost a decade of use.

Another chemical used in deforestation was Napalm. This sticky substance was dispersed onto vegetation and then ignited. It burned similarly to gasoline, and quickly destroyed all surrounding vegetation.¹³ Napalm was responsible for the destruction of much of the landscape. Chemical defoliation damaged the ecosystem in unimaginable ways, but American government considered it necessary to defeat the enemy.¹⁴ As a result of deforestation, the area around Vietnam is also feeling the effects of the war. This is due to one of the basic principles of ecology: the environment is interconnected. If you negatively impact one area, the results will spread.¹⁵ All the forms of deforestation were just the beginning of Vietnam's damaged ecology because they were tactics to set up weaponry, which also was extremely harmful to the ecology of Vietnam. Many effects of the Vietnam War on the environment have proved irreversible. Many species of animals and vegetation were greatly reduced and, in some cases, became extinct.¹⁶

Case II: The Gulf War

The Gulf War did not just cause damage to lives and livelihood but also caused damage to the marine and the terrestrial eco system. In the early 1991 more than 800 oil wells were blown up, of these more than 600 caught fire and burned with flames and about 50 wells gushed oil onto

¹¹ Vietnam Divided by B.S.N. Murti, Asian Publishing House, 1964.

¹² Marilyn Young, *The Vietnam Wars: 1945–1990* (New York: Harper Perennial, 1991), p. 73

¹³ Noyes, W.A. Jr. (ed.) (1948). *Science in World War II: Chemistry*. Boston: Little, Brown and Company. pp. 392, 393.

¹⁴ Kleber, Brooks E. and Birdsell, Dale (1966) *The Chemical Warfare Service: Chemicals in Combat*. Washington, DC: Center of Military History, United States Army, p.158.

¹⁵ Neer, Robert M. (2013). *Napalm: An American Biography* Belknap Press ISBN 978-0-674-07301-2

¹⁶ Books in brief. *Napalm: An American Biography* Robert M. Neer Harvard University Press 352 pp. *Nature*. **496** (7443): 29. 2013.

the ground.¹⁷ The maximum amount of oil and gas in the oil fires was about 355,000 tons and 35 million m³ respectively per day. The soot emissions for the burning oil and gas has been estimated to about 20,000 tons per day and the total SO₂ emission about 24,000 tons per day. This caused about 0.1% of the total global CO₂ emission in the world.¹⁸ This did not just cause changes in the immediate surrounding eco-system but also caused changes in the climate of places situated in and around that area. Temperatures were up to 10 degrees C lower than under normal years. Soot and oil covered extensive areas in Kuwait, Northern Saudi Arabia and the Gulf. the vegetation as well as wildlife was exposed to this fallout but no or very scattered information is available about environmental aspects.¹⁹ The “marine environment” was also equally affected by this, as it was exposed to a large quantities of petroleum hydrocarbons, the volume of the spills has been estimated to between 1 and 1.7 million tons. the oil was released from tank farms on land (Al Ahmadi North), oil loading terminals (Sea Island and Mina Al-Bakr (Iraq)) and from oil carriers anchored along the Kuwait coast. the spill was broken up from several smaller spills which contaminated most of the Saudi Arabian coastline.²⁰ About 700 km of Saudi Arabian shoreline consisting of sand, gravel, wetlands, lagoons, and muddy tidal flats and a total of the surface area of about 34 km² was contaminated. Some oil ended up on the beaches of Kuwait, Iran, Bahrain, and Qatar but generally these countries were less affected.²¹

Because of the wars that had happened and the concern regarding global warming had increased, limits were decided to have been placed in war. Limits on the attack on environment. This led to signing and the ratification of many treaties and conventions, which has been explained in the next part.

IV. INTERNATIONAL CUSTOMARY LAWS AND THEIR EFFECT

The inception of these laws can be found in the Declaration of St. Petersburg of 1868 wherein the idea was represented that States should endeavour to accomplish during war to weaken the military forces of the enemy. This has been incorporated in Art. 35, para 1, of Protocol I which states that, “*In any armed conflict, the right of the Parties to the conflict to choose methods or means of warfare is not unlimited*”. The concept of proportionality sets important limits on

¹⁷Miller, Judith. "Syria Plans to Double Gulf Force." The New York Times, 27 March 1991.

¹⁸ "The Wages of War: Iraqi Combatant and Noncombatant Fatalities in the 2003 Conflict". Project on Defense Alternatives.

¹⁹ Id.,

²⁰ Andrew Leydon. "Carriers in the Persian Gulf War". Leyden.com.

²¹ Linden O, Jerneloev A, & Egerup J (2004). The Environmental Impacts of the Gulf War 1991. IIASA Interim Report. IIASA, Laxenburg, Austria: IR-04-019

warfare, these limits have now been incorporated in the LOAC.²²

- The Hague Convention respecting the Laws and Customs of War on Land, of 18 October 1907, with the Regulations annexed thereto, and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949: the protection of property : Even though limits are place on armed conflict with reference to the environment, the word “environment” does not appear in the Hague Regulations or in the 1949 Geneva Conventions, and none of those treaties addresses specific environmental issues. However, Article 23(g) of the Hague Regulations states that it is forbidden " to destroy or seize the enemy's property, unless such destruction or seizure be imperatively demanded by the necessities of war ". this law became the base for the upcoming conventions and laws.

- Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I): the protection of the environment as such: Two provisions in Protocol I directly deal with the dangers posed by modern warfare in the environment, it is Art. 35 (3) and Art. 55, it prohibits only such damage to the environment as is " widespread, long-term and severe " , thereby making it clear that not all damage to the environment is outlawed. Indeed, damage to the environment is unavoidable in war. The point at issue, therefore, is where to set the threshold. The question as to what constitutes " widespread, long-term and severe " damage and what is acceptable damage to the environment is open to interpretation. There are substantial grounds, including from the travaux préparatoires of Protocol I, for interpreting " long term " to refer to decades rather than months. On the other hand, it is not easy to know in advance exactly what the scope and duration of some environmentally damaging acts will be; and there is a need to limit as far as possible environmental damage even in cases where it is not certain to meet a strict interpretation of the criteria of " widespread, long-term and severe " . Because Protocol I, as at present interpreted, does not necessarily cover all cases of damage to the environment, the earlier rules, especially those of the Hague 1907 and Geneva 1949, continue to be very important.

Besides Articles 35, para. 3, and 55, other provisions of Protocol I touch incidentally on protection of the environment in armed conflict. In particular, Article 56 deals with the danger to the environment resulting from the destruction of dams, dykes or nuclear electrical generating stations. Under the heading " Protection of objects indispensable to the survival of the civilian population " , Article 54 prohibits in certain circumstances the destruction of,

²² Tullio Treves, ‘Customary International Law’, in R. Wolfrum (Ed.), *The Max Planck Encyclopedia of Public International Law* (online edition), Oxford University Press, 2008.

among other things, agricultural areas or irrigation works. Articles 52 (" General protection of civilian objects ") and 57 (" Precautions in attack ") have also an important bearing on the protection of the environment.

Finally, Article 36 obliges the parties to Protocol I to determine whether the acquisition, development or use of a new weapon would be compatible with international law. Of course, the rules on the protection of the environment are to be taken into account during this assessment.

As of date, 113 States are parties to Protocol I supplementing the earlier principles of IHL and their destructive activities on the environment in time of armed conflict.

- The Environmental Modification Convention (ENMOD), is an International treaty prohibiting the hostile use of warfare methods that modify the existing environment. The ENMOD includes any technique for changing- through the deliberate manipulation of natural processes- the dynamics, composition or structure of the eco-system including the earth, the biota, lithosphere, hydrosphere and the outer space.²³ This treaty, which was drafted under the auspices of the Committee on Disarmament and the United Nations, is intended to prohibit military or any other hostile use of " environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State Party " (Art.
- Other International Instruments:
 - Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 17 June 1925.
 - Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, of 10 April 1972.
 - The Convention is thus primarily concerned with prohibiting the use of the forces of the environment as weapons. In so doing, of course, it inevitably outlaws damage to the environment resulting from the use of such methods of warfare.
 - Furthermore, all international rules limiting the development, production, testing or use of weapons of mass destruction make a significant contribution to that same

²³ ICRC, International Humanitarian Law – Treaties & documents

objective. Special mention should be made of the draft Chemical Weapons Convention drawn up under the auspices of the Conference on Disarmament.²⁴

V. 'DESTRUCTION OF ENVIRONMENT' UNDER WAR CRIMES

The paper in its previous parts has detailed on how there have been limits sets on the conduct of war and hostiles in war and how it has laid limits on certain practices to be undertaken during war. Violating the law in terms of Law of Armed Conflict will constitute to the commission of "War Crimes". This concept developed at the end of the 19th Century and the beginning of the 20th Century, when IHL was codified into LOAC.²⁵ Both Hague Law and Geneva Law identify several of the violations of its norms, though not all, as war crimes. However there is no one single document in international law that codifies all war crimes. Lists of war crimes can be found in both international humanitarian law and international criminal law treaties, as well as in international customary law.²⁶ The Rome Statute of the International Criminal Court defines in its Article 8, War Crimes, using various instances in its (2). In its (2) (iv) it clearly states that affecting the environment is a war crime, "*Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated*".²⁷ By bringing LEP under War Crimes, the Rome Statute has made States invariably responsible for the protection of the Environment during an armed conflict this is to especially ensure that the incidents of Vietnam war, i.e. the use of Napalm and Agent Orange is not repeated.²⁸ Therefore, any violation of this law would be the commission of a war crime for which the International Criminal Court will assume jurisdiction under Art. 8 (1), which states that, "*The Court shall have jurisdiction in respect of war crimes in particular when committed as part of a plan or policy or as part of a large-scale commission of such crimes.*"²⁹ By bringing the LEP under War Crimes, the aim of the Covenant is to ensure that with the increasing technology and innovation of various methods of warfare, the techniques are not used to destroy and or / modify environment all together.³⁰ In this context the term "*Ecocide*"

²⁴ ICRC, What is International Humanitarian Law, Legal Fact Sheet

²⁵ Cassese, Antonio (2013). Cassese's International Criminal Law (3rd ed.). Oxford University Press. pp. 63–66. ISBN 978-0-19-969492-1.

²⁶ The evolution of individual criminal responsibility under international law By Edoardo Greppi, Associate Professor of International Law at the University of Turin, Italy, International Committee of the Red Cross No. 835, p. 531–553, October 30, 1999

²⁷ Rome statute

²⁸ David P. Forsythe (June 17, 2007). The International Committee of the Red Cross: A Neutral Humanitarian Actor. Routledge. p. 43. ISBN 0-415-34151-5.

²⁹ "Rome Statute of the International Criminal Court, 1998". UN Treaty Organization.

³⁰ Shaw, M.N (2008). International Law. Cambridge University Press. pp. 433–434. ISBN 978-0-521-89929-1.

has been coined to reiterate the intensity of the crime that one commits with respect to the destruction of the Environment.

VI. CONCLUSION

“All’s fair in war”, contradicting this statement is the Law of Armed Conflict laying down rules and regulating the manner in the governance of an armed conflict. The importance of this law can be felt with the increasing need for humanitarianism and sustainability, which incidentally includes not just human beings as a whole but also the environment and the surrounding eco-systems. The protection of the environment has taken its utmost importance in the constitutions of various States all over the world. With the increasing awareness in this area, the reach of the respective conventions play a vital role in this regard. One of the major flaws found while conducting the research on this paper is that, though the LOAC applies to any and all conflicts that involves both state and non-state actors the law governing or to be precise, substantiating and laying sanctions on the law protecting the environment in case of armed conflicts only lays down its rules on the State Actors thereby negating the non-state actors. The researcher has come to the above conclusion because of the fundamental international law principle that states that these laws are enforced against sovereign states and not individuals. In that case, where armed conflict is conducted by the non-state actors they cannot be held liable for the commission of war crimes including that of the crime against the destruction of the environment. Even though laws exist to punish non-state actors, these laws are cumulatively called the Anti-Terrorism laws where there is no mention of the affected environment. Therefore, there lies an imminent need for laws in this area.

VII. REFERENCES

Primary Sources

1. Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (" ENMOD Convention "), of 10 December 1976.
2. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction, of 10 April 1972.
3. Declaration of St. Petersburg of 1868
4. Geneva Convention on the Protection of Civilian Persons in Time of War, of 12 August 1949.
5. Geneva Convention, Protection of Victims of International Armed Conflicts , Protocol I, 12 August 1949.
6. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, of 17 June 1925
7. The Hague Convention respecting the Laws and Customs of War on Land, of 18 October 1907.
8. The Rome Statute of International Criminal Court.

Secondary Sources

Books

1. Roberts, Adam; Guelff, Richard, eds. (2000), Documents on the Laws of War (Third ed.), Oxford University press, ISBN 0-19-876390-5
2. Neer, Robert M. (2013). Napalm: An American Biography Belknap Press ISBN 978-0-674-07301-2.
3. Cassese, Antonio (2013). Cassese's International Criminal Law (3rd ed.). Oxford University Press. pp. 63–66. ISBN 978-0-19-969492-1.
4. David P. Forsythe (June 17, 2007). The International Committee of the Red Cross: A Neutral Humanitarian Actor. Routledge. p. 43. ISBN 0-415-34151-5.
5. Kinzer, Stephen (2013-10-01). The Brothers: John Foster Dulles, Allen Dulles, and Their Secret World War. Macmillan. pp. 195–96. ISBN 978-1429953528.
6. Shaw, M.N (2008). International Law. Cambridge University Press. pp. 433–434. ISBN 978-0-521-89929-1.

Articles

1 Books in brief. Napalm: An American Biography Robert M. Neer Harvard University Press 352 pp. *Nature*. 496 (7443): 29. 2013.

2 The Wages of War: Iraqi Combatant and Noncombatant Fatalities in the 2003 Conflict. Project on Defense Alternatives.

3 Greenberg, Joel (2011), *Illegal Targeting of Civilians, Crimes of War Education Project*

4 Johnson, James Turner (198), *Just War Tradition and the Restraint of War: A Moral and Historical Inquiry*, New Jersey: Princeton University Press

5 Kleber, Brooks E. and Birdsell, Dale (1966) *The Chemical Warfare Service: Chemicals in Combat*. Washington, DC: Center of Military History, United States Army, p.158.

6 Linden O, Jerneloef A, & Egerup J (2004). *The Environmental Impacts of the Gulf War 1991*. IIASA Interim Report. IIASA, Laxenburg, Austria: IR-04-019

7 Noyes, W.A. Jr. (ed.) (1948). *Science in World War II: Chemistry*. Boston: Little, Brown and Company. pp. 392, 393.

8 The evolution of individual criminal responsibility under international law By Edoardo Greppi, Associate Professor of International Law at the University of Turin, Italy, *International Committee of the Red Cross* No. 835, p. 531–553, October 30, 1999

9 Tullio Treves, 'Customary International Law', in R. Wolfrum (Ed.), *The Max Planck Encyclopedia of Public International Law* (online edition), Oxford University Press, 2008.

Newspaper reports

1 Andrew Leydon. "Carriers in the Persian Gulf War". *Leyden.com*.

2 Marilyn Young, *The Vietnam Wars: 1945–1990* (New York: Harper Perennial, 1991), p. 73

3 Miller, Judith. "Syria Plans to Double Gulf Force." *The New York Times*, 27 March 1991.

4 *Vietnam Divided* by B.S.N. Murti, Asian Publishing House, 1964.

Websties

1 <http://www.un.org/en/genocideprevention/war-crimes.html>

2 <https://academic.oup.com/bioscience/article/58/8/729/380940>

- 3 <https://academic.oup.com/ejil/article/16/5/979/496087>
- 4 <https://www.britannica.com/topic/war-crime#ref224686>
- 5 <https://www.csmonitor.com/Environment/2016/0917/Environmental-destruction-is-a-crime-against-humanity-ICC-says>
- 6 <https://www.icrc.org/eng/resources/documents/statement/5cjkj.htm>
- 7 <https://www.icrc.org/eng/war-and-law/overview-war-and-law.html>
- 8 <https://yaleglobal.yale.edu/content/icc-environmental-destruction-crime-against-humanity>
