

The Interconnection between Armed Conflict, Militarization and the Fossil Economy: Implications for Economic, Social and Cultural Rights

Submission to the Committee on Economic, Social and Cultural Rights General Comment on the Application of the International Covenant on Economic, Social and Cultural Rights in Situations of Armed Conflict

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Since its founding in 1989, the Center for International Environmental Law (CIEL) has worked to advance the principle that the law must protect both the environment and human rights. It works globally to ensure that communities, particularly those on the frontlines of environmental harm, have access to justice and that their voices are heard in decision-making processes that affect their lives and ecosystems. CIEL has extensive experience advising governments, international organizations, and non-governmental organizations on the implementation and enforcement of environmental law and human rights law

1. Armed Conflict, Fossil Fuels, and Climate Change

1.1. Fossil Fuels as a Driver of Armed Conflict and Militarization

- i. The fossil economy¹ dominates global political and economic structures and functions not only as a driver of the triple planetary crisis² but also as a structural enabler of violence,³ armed conflict, and militarization.⁴ Fossil fuels are both a root cause of conflict and indispensable to the conduct of conflict.⁵
- ii. Fossil fuels increase the likelihood of both non-international and international conflict through geopolitical competition over resources, producer-state political dynamics, and

¹ In this context, “fossil economy” refers to the interconnected network of extraction, finance, transport, trade, infrastructure, military protection, and political institutions that sustain fossil fuel production and consumption globally.

² Elisa Morgera, *The Imperative of Defossilizing our Economies, Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change*, UN Doc. A/HRC/59/42 (15 May 2025), para. 3; Office of the United Nations High Commissioner for Human Rights, “Fossil Fuels at the Heart of the Planetary Environmental Crisis,” Press Release (30 November 2023), available at: <https://www.ohchr.org/en/press-releases/2023/11/fossils-fuels-heart-planetary-environmental-crisis-un-experts>; Committee on the Rights of the Child, *General Comment No. 26 (2023) on Children’s Rights and the Environment with a Special Focus on Climate Change*, UN Doc. CRC/C/GC/26 (22 August 2023); Committee on the Elimination of Discrimination against Women, *General Recommendation No. 37 (2018) on the Gender-Related Dimensions of Disaster Risk Reduction in the Context of Climate Change*, UN Doc. CEDAW/C/GC/37 (13 March 2018).

³ Pedro Arrojo Agudo, *Water and Energy Nexus, Report of the Special Rapporteur on the Human Rights to Safe Drinking Water and Sanitation*, UN Doc. A/HRC/60/30 (3 July 2025), para. 5.

⁴ Morgera, *The Imperative of Defossilizing our Economies, Report of the Special Rapporteur on the Promotion and Protection of Human Rights in the Context of Climate Change*, para. 24.

⁵ Women’s International League for Peace and Freedom (WILPF) & Fossil Fuel Non-Proliferation Treaty, *Stop Fossil Fuels from Fuelling Conflict: Why the Fossil Fuel Non-Proliferation Treaty is an Essential Climate Tool for Peace* (September 2024), available at <https://www.wilpf.org/wp-content/uploads/2024/10/StopFossilFuelsFromFuellingConflict.pdf>; Jeff D. Colgan, “Fueling the Fire: Pathways from Oil to War,” *International Security* 38(2) (October 2013), available at <https://www.jstor.org/stable/24480933>.

dependence on access to supply.⁶ Competition over strategically significant oil and gas reserves and infrastructure may intensify geopolitical rivalry and conflict vulnerability.⁷ Present wars on Iran⁸ and Ukraine,⁹ recent attacks on Venezuela,¹⁰ and the armed conflict in Sudan¹¹ provide stark illustrations of this point.

iii. Fossil fuel infrastructure itself is frequently securitized and militarily protected, particularly around strategic chokepoints such as the Strait of Hormuz and Bab al-Mandeb.¹² Dependence on such infrastructure creates vulnerability to energy crises, coercive pressure and cascading human rights harms during conflict and geopolitical instability¹³ far beyond the immediate conflict zone.¹⁴ Recent UN experts' warnings regarding the severe humanitarian impacts of restrictions affecting Cuba's access to fuel and energy illustrate how "energy starvation"¹⁵ can produce profound social, economic, and human rights consequences.

iv. Beyond the use of fossil fuels in driving and enabling warfare,¹⁶ the fossil economy sustains armed conflict through financial flows, trade networks, and corporate activity. Fossil fuel

⁶ Jeff D. Colgan, *Fueling the Fire: Pathways from Oil to War*.

⁷ For instance, competing pipeline projects in Syria reflected geopolitical competition between Qatar, Iran, and Russia over European gas markets, illustrating how fossil fuel infrastructure can reinforce existing tensions. Belgin San-Akca, S. Duygu Sever & Suhanaz Yilmaz, "Does Natural Gas Fuel Civil War? Rethinking Energy Security, International Relations, and Fossil-Fuel Conflict," *Energy Research & Social Science*, vol. 70 (2020), 101690, p. 4, available at <https://doi.org/10.1016/j.erss.2020.101690>.

⁸ Global Witness, *Why the US and Israel Attacked Iran, and What It Means for Oil* (3 March 2026), available at <https://globalwitness.org/en/campaigns/fossil-fuels/why-the-us-and-israel-attacked-iran-and-what-it-means-for-oil/>; Steffen Hertog, "The Deep Ways in Which Oil Has Shaped the Iran War," LSE Government Blog (2 April 2026), available at <https://blogs.lse.ac.uk/government/2026/04/02/the-deep-ways-in-which-oil-has-shaped-the-iran-war/>.

⁹ The "petro-aggression" dynamic is evident in the Russian invasion of Ukraine, where fossil fuel revenues have supported military resilience while energy exports have been used as geopolitical leverage. See Oil Change International, "OCI Statement on the Fossil Fuel Dimensions of Russia's Invasion of Ukraine," Press Release (23 February 2023), available at <https://oilchange.org/news/oci-statement-russian-invasion-anniversary/>; Stand with Ukraine Coalition, "Stand with Ukraine: End Global Fossil Fuel Addiction that Feeds Putin's War Machine," Open Letter (2022), available at <https://www.with-ukraine.org/>; Jeff D. Colgan, "Oil, Domestic Politics, and International Conflict," *Energy Research & Social Science*, vol. 1 (2014), available at https://www.academia.edu/12016070/Oil_Domestic_Politics_and_International_Conflict.

¹⁰ The United States' aggression against Venezuela in January 2026—formally justified on security and governance grounds—has also been linked to the country's vast oil reserves and efforts to influence control over its production and export flows. Office of the United Nations High Commissioner for Human Rights, "UN Experts Condemn US Aggression against Venezuela," Press Release (7 January 2026), available at <https://www.ohchr.org/en/press-releases/2026/01/un-experts-condemn-us-aggression-against-venezuela>; Elizabeth Bast, "Response to U.S. Military Strikes in Venezuela: A Fossil-Fueled Act of War," Press Release, Oil Change International (3 January 2026), available at <https://oilchange.org/news/response-to-u-s-military-strikes-in-venezuela-a-fossil-fueled-act-of-war/>; Center for International Environmental Law, "US Military Attack and Oil Grab in Venezuela Flouts International Law," Press Release (8 January 2026), available at <https://www.ciel.org/news/us-military-attack-oil-grab-venezuela-international-law/>.

¹¹ In Sudan and South Sudan, control over oil fields and pipelines has driven repeated conflict and economic coercion, demonstrating how infrastructure itself becomes both a target and a driver of violence. See Mohamed Elnourani, Hamid Suliman Hamid Elhag, Waleed Isameldin Alasad & Mohamed Nasr Bashier, "Khartoum War's echoes in oil and energy sectors: Economic and environmental implications for Sudan and South Sudan," *Heliyon* vol. 10(15) (23 July 2024), available at <https://doi.org/10.1016/j.heliyon.2024.e34739>. These dynamics extend beyond direct resource wars to broader competition over transit routes and supply chains. See Belgin San-Akca et al, *supra*.

¹² Priyanka Shankar and Charu Sudan Kasturi, "Iran Threatens Bab al-Mandeb Closure: How Would that Affect World Trade?," *Al Jazeera* (6 April 2026), available at <https://www.aljazeera.com/news/2026/4/6/iran-threatens-bab-al-mandeb-closure-how-would-that-affect-world-trade>.

¹³ Julia Kollwe, "NHS on High Alert over Healthcare Shortages from Iran War Petrochemicals," *The Guardian* (26 April 2026), available at <https://www.theguardian.com/society/2026/apr/26/nhs-high-alert-healthcare-shortages-iran-war-petrochemicals>.

¹⁴ Dimitris Ibrahim and Mehdi Leman, "From Ukraine to Iran: How the Fossil Fuel War Playbook Makes People Pay for Crisis," *Greenpeace International* (30 April 2026), available at <https://www.greenpeace.org/international/story/83007/iran-war-fossil-fuel-war-playbook-energy-shock/>.

¹⁵ Office of the United Nations High Commissioner for Human Rights, "United States Must End 'Energy Starvation' of Cuba with Severe Human Rights Impacts: UN Experts," Press Release (7 May 2026), available at <https://www.ohchr.org/en/press-releases/2026/05/united-states-must-end-energy-starvation-cuba-severe-human-rights-impacts-un>.

¹⁶ For example, emerging evidence from Israel's military operations in Gaza illustrates how sustained military activity depends on continuous access to fossil fuels and international energy supply. See Palestinian Institute for Climate Strategy, *No Just Transition Without Decolonization: A Palestinian Civil Society Statement for the Santa Marta Conference on Transitioning Away from Fossil Fuels* (17 April 2026), available at <https://palenergybargo.com/resources/no-just-transition-without-decolonization/>.

revenues finance military operations, while global trade networks ensure continuous supply through complex, multi-actor systems that diffuse responsibility.¹⁷ These dynamics entrench both militarization and fossil fuel dependency while diverting critical resources from collective efforts to address global challenges.¹⁸

v. Major multinational fossil fuel corporations structurally contribute towards sustaining armed conflict. While these corporations are not direct parties to armed conflict, their infrastructure ownership, trading activities, fiscal contributions, and participation in global supply chains can materially sustain States' capacity to conduct prolonged military operations. Recent research reveals how companies including BP, Chevron,¹⁹ ExxonMobil, Shell, and TotalEnergies, through infrastructure ownership, joint ventures, and trading systems, play an active role in sustaining the flow of fossil fuels in conflict contexts.²⁰

vi. Armed conflict and militarization are deeply intertwined with fossil fuel dependency and contribute significantly to greenhouse gas (GHG) emissions, thereby exacerbating climate change and its impacts on economic, social, and cultural rights (ESCR), which can in turn drive armed conflict. Armed forces constitute some of the world's largest institutional consumers of oil-based fuels.²¹ It is estimated that armed forces contribute approximately 5.5% to the global carbon footprint.²² Despite this, military emissions remain institutionally shielded from meaningful climate accountability.²³ These emissions further intensify climate-related harms that may

¹⁷ WILPF & Fossil Fuel Non-Proliferation Treaty, *Stop Fossil Fuels from Fuelling Conflict: Why the Fossil Fuel Non-Proliferation Treaty is an Essential Climate Tool for Peace*.

¹⁸ Vera Songwe, Nicholas Stern and Amar Bhattacharya, *Finance for Climate Action: Scaling up Investment for Climate and Development*, Report of the Independent High-Level Expert Group on Climate Finance (Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science, November 2022), available at <https://www.lse.ac.uk/granthaminstitute/wp-content/uploads/2022/11/IHLEG-Finance-for-Climate-Action.pdf>; Ho-Chih Lin, Nick Buxton, Mark Akkerman, Deborah Burton & Wendela de Vries, *Climate Crossfire: How NATO's 2% Military Spending Targets Contribute to Climate Breakdown* (Transnational Institute, Stop Wapenhandel and Tipping Point North South, October 2023), available at <https://www.tni.org/en/publication/climate-crossfire>.

¹⁹ Chevron is deeply embedded in Israel's offshore gas sector following its acquisition of Noble Energy in 2020, generating significant long-term revenue streams for the Israeli state. Al Johnson-Kurts, "Chevron and Israel: Profits Above Human Rights," *Oil Change International* (19 August 2024), available at <https://oilchange.org/blogs/chevron-and-israel-profits-above-human-rights/>.

²⁰ Oil Change International, *Behind the Barrel: New Insights into the Countries and Companies Behind Israel's Fuel Supply* (19 August 2024), available at

<https://oilchange.org/publications/behind-the-barrel-new-insights-into-the-countries-and-companies-behind-israels-fuel-supply/>.

²¹ Neta C. Crawford, *The Pentagon, Climate Change, and War: Charting the Rise and Fall of U.S. Military Emissions* (MIT Press, 2022), pp 1–18; Scientists for Global Responsibility and Conflict and Environment Observatory, *Estimating the Military's Global Greenhouse Gas Emissions* (2022), pp 4–8.

²² UN Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, *Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes*, UN Doc. A/80/174 (16 July 2025), para. 54. See also Conflict and Environment Observatory (CEOBS), *Estimating Global Military GHG Emissions* (November 2022), available at https://ceobs.org/wp-content/uploads/2022/11/SGRCEOBS-Estimating_Global_Military_GHG_Emissions_Nov22_rev.pdf.

²³ Armed forces do not report transparently on their GHG emissions. See WILPF & Fossil Fuel Non-Proliferation Treaty, *Stop Fossil Fuels from Fuelling Conflict: Why the Fossil Fuel Non-Proliferation Treaty is an Essential Climate Tool for Peace*, p. 13. The voluntary nature of emissions reporting under the United Nations Framework Convention on Climate Change (UNFCCC) means few States provide data relating to their emissions arising from armed conflicts. See Conflict and Environment Observatory, Concrete Impacts, Scientists for Global Responsibility and Transform Defence, *Recognise Military and Conflict Emissions in the Global Stocktake, Joint Submission to the UNFCCC Global Stocktake*, available at <https://unfccc.int/sites/default/files/resource/Global%20Stocktake%20Poster%20A2%20CMYK%20%281%29.pdf>. Additionally, there is no agreed framework for measuring emissions resulting from conflicts, further deepening the gap in the actual accounting of emissions. See Eleanor Kinney, Darryl Weir, Brendan Mackey, Lenny de Klerk & Soroush Abolfathi, *Accounting for the Uncounted: The Global Climate Impact of Military Activities*, Griffith Climate Action Beacon NZE Policy Briefing Note 2/25 (2025), p. 2, available at <https://doi.org/10.25904/1912/5854>.

contribute to food insecurity, displacement, resource scarcity, and social instability, impacting a broad range of human rights²⁴ and heightening vulnerability to further conflict.

vii. Fossil fuels are therefore a structural driver of armed conflict and, consequently, of the severe harms to ESCR arising from conflict and militarization.

1.2. Impact of Armed Conflict and Militarization on ESCR in the Context of Climate Change

viii. Armed conflict, militarization, and occupation profoundly affect the enjoyment of ESCR by destroying civilian and environmental conditions and infrastructure necessary for human wellbeing, community life, and climate resilience.²⁵ Damage to hospitals, schools, housing, water systems, agricultural lands, and cultural heritage sites may impair rights relating to health, education, housing, food, water, and cultural life under the Covenant.²⁶

ix. In the context of the fossil economy, armed conflict distorts supply chains, negatively impacting energy security, food sovereignty, and related human rights. The impacts of armed conflicts on the energy supply chain are characterized by extremely high and volatile fossil fuel prices.²⁷ The disruption of electricity supply can have a domino effect on other essential services,²⁸ disproportionately affecting women, children, persons with disabilities, and older persons.²⁹ Additionally, given their fossil dependence,³⁰ current food systems are extremely vulnerable to armed conflicts' disruptions in the fossil fuel supply chain, negatively affecting the right to food.³¹

²⁴ UN Human Rights Council, *Resolution 41/21*, UN Doc. A/HRC/RES/41/21 (23 July 2019), p. 2, available at <https://docs.un.org/en/A/HRC/res/41/21>; United Nations, Department of Political and Peacebuilding Affairs, *Climate, peace and security: what we need to know*, available at <https://www.un.org/en/peaceandsecurity/climate-peace-and-security-what-we-need-know> (stating that climate change acts as a “threat multiplier” by “exacerbating existing vulnerabilities and tensions” and intensifying “competition for dwindling natural resources” and “geopolitical instability”).

²⁵ International Court of Justice, *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), [2004] ICJ Rep. 136, paras 106–113, available at <https://www.icj-cij.org/case/131>; Committee on Economic, Social and Cultural Rights, *General Comment No. 14: The right to the highest attainable standard of health*, UN Doc. E/C.12/2000/4 (2000), para 8, available at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec1220004-general-comment-no-14-highest-attainable>.

²⁶ International Covenant on Economic, Social and Cultural Rights, arts. 11, 12, 13 and 15; Committee on Economic, Social and Cultural Rights, *General Comment No. 15: The right to water*, UN Doc. E/C.12/2002/11 (2003), paras. 1–3, available at <https://digitallibrary.un.org/record/486454?ln=en&v=pdf>; UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (1954).

²⁷ UN Global Crisis Response Group on Food, Energy and Finance, *Global Impact of War in Ukraine: Energy Crisis* (August 2022), p. 6, available at https://unctad.org/system/files/official-document/un-gcrg-ukraine-brief-no-3_en.pdf.

²⁸ Such essential services entail “the delivery of water and sanitation, solid waste disposal and the cold chain (i.e., the storage, management, and transportation in specific temperatures of essential items such as foodstuffs and medicine) (...) Lack of water and sanitation, food, heating, and healthcare can lead to disease and death and trigger large-scale displacement.” See Eirini Giorgou & Abby Zeith, “When the Lights Go Out: The Protection of Energy Infrastructure in Armed Conflict,” ICRC Humanitarian Law & Policy Blog (20 April 2023), available at <https://blogs.icrc.org/law-and-policy/2023/04/20/protection-energy-infrastructure-armed-conflict/>.

²⁹ *Ibid.*

³⁰ Oil, gas, and coal are the lifeblood of the industrial food supply value chain, from production to distribution: farm machinery, food processing, refrigeration, transportation, plastic packaging, and other agri-food-related activities. See International Panel of Experts on Sustainable Food Systems, *Fuel to Fork: What Will It Take to Get Fossil Fuels out of Our Food Systems?* (IPES-Food, 2025), available at <https://ipes-food.org/wp-content/uploads/2025/06/FuelToFork.pdf>.

³¹ For example, according to the World Food Programme, the recent Strait of Hormuz crisis linked to the conflict in the Middle East is one of the most significant disruptions of the global supply chain since COVID and the beginning of the war in Ukraine. According to projections, “45 million more people will be acutely hungry if this continues through June.” See World Food Programme (WFP), Corinne Fleischer, “Global Disruptions to Supply Chains are Driving Tomorrow’s Hunger Crisis” (Statement, 31 March 2026), available at <https://www.wfp.org/news/global-disruptions-supply-chains-are-driving-tomorrows-hunger-crisis>.

x. **Armed conflict causes severe environmental degradation³² and health impacts, including through the destruction of fossil fuel infrastructure**, which causes significant carbon emissions as well as other forms of environmental damage and public health harm. Conflict-related oil spills have been documented as a major source of environmental harm, for example in Iraq, Syria, Yemen, and Palestine, and are linked to long-term health impacts for communities living in conflict zones.³³ The black or toxic rain reported in Tehran following US and Israeli attacks on oil storage sites contains toxic hydrocarbons, sulfur oxides, and nitrogen compounds that can cause chemical burns and lung damage and other severe health effects.³⁴

xi. **Conflict-driven environmental degradation limits the climate resilience of communities in situations of armed conflict and military occupation, further compounding climate-related human rights impacts.** For example, the unlawful Israeli occupation and annexation of the West Bank³⁵ significantly undermines the adaptive capacity of Palestinians due to restrictions related to construction permits, access, and movement, lack of access to natural resources including water, and the economic impacts of the occupation.³⁶ In Ukraine, the destruction of the Kakhova dam has not only created widespread wreckage of marine ecosystems but also hindered irrigation in southern Ukraine, leading to dried up farmlands.³⁷

xii. **Additionally, global military expenditure diverts resources away from investments into climate change mitigation, adaptation, and for addressing loss and damage³⁸** as evidenced by recent cuts to Official Development Assistance (ODA) and climate finance in favor of increased defence spending by Germany,³⁹ Canada,⁴⁰ and the UK.⁴¹

xiii. **Taken together, these impacts demonstrate that armed conflict and militarization, driven and sustained by fossil fuel dependence, systematically undermine the conditions, in particular**

³² The UN Secretary-General has reported severe environmental degradation due to armed conflict impacting ecosystems, agriculture, local communities, and livelihoods, including in the Central African Republic, Colombia, Iraq, Israel, Lebanon, the Syrian Arab Republic, Yemen, and the Occupied Palestinian Territory. See United Nations Secretary-General, *Protection of Civilians in Armed Conflict*, UN Doc. S/2025/271 (15 May 2025), available at <https://docs.un.org/en/s/2025/271>.

³³ Special Rapporteur on the Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes, *Implications for Human Rights of the Environmentally Sound Management and Disposal of Hazardous Substances and Wastes*, UN Doc. A/80/174 (16 July 2025), available at <https://docs.un.org/en/A/80/174>; United Nations Secretary-General, *Protection of Civilians in Armed Conflict*, UN Doc. S/2025/271 (15 May 2025).

³⁴ Richard Fieldhouse & Mihir Basu, "Black Rain in Tehran – What are the Health Effects?," *Nature* (11 March 2026), available at <https://www.nature.com/articles/d41586-026-00800-9>. Also, Russia's invasion of Ukraine damaged energy infrastructure - nuclear and fossil fuel - as well as mining, industrial, agro-business, and water infrastructure, causing pollution, potential contamination of ground and water sources, and the release of hazardous substances. See United Nations Environment Programme, "The Toxic Legacy of the Ukraine War," available at <https://www.unep.org/news-and-stories/story/toxic-legacy-ukraine-war>.

³⁵ International Court of Justice, *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, Including East Jerusalem* (Advisory Opinion) (19 July 2024), available at <https://www.icj-cij.org/sites/default/files/case-related/186/186-20240719-adv-01-00-en.pdf>.

³⁶ Norwegian Refugee Council, "Climate Change Resilience under Occupation in the West Bank" (2024), available at <https://www.nrc.no/feature/2024/hope-evaporating-climate-change-resilience-under-occupation-in-the-west-bank>.

³⁷ Brendan Hoffman & Evelina Riabenko, "Ukraine's Ravaged Environment," *The New York Times* (2 April 2025), available at <https://www.nytimes.com/interactive/2025/04/02/world/europe/ukraine-russia-war-environment.html>.

³⁸ Women's International League for Peace and Freedom, *Towards Climate Justice: Redistributing Military Spending to Climate Finance* (June 2024), available at https://www.wilpf.org/wp-content/uploads/2024/06/Bonn-Climate-Change-Conference-2024_3-pager.pdf.

³⁹ Marcel Fürstenau, "Germany slashes development aid to boost defense spending," *Deutsche Welle* (30 June 2025), <https://www.dw.com/en/germany-development-aid-cuts-defense-spending-donald-trump/a-73093270>.

⁴⁰ Benjamin Steel, "Canada follows US lead on climate finance cuts as defence spending surges," *Sustainable Views* (21 May 2026), <https://www.sustainableviews.com/canada-follows-us-lead-on-climate-finance-cuts-as-defence-spending-surges-07316e45/>.

⁴¹ Joe Lo, "UK Cuts Support for Climate Action Abroad to Fund Military Instead," *Climate Home News* (19 March 2026), available at <https://www.climatechangenews.com/2026/03/19/uk-cuts-support-for-climate-action-abroad-to-fund-military-instead/>; "UK Halves Funding to Flagship Global Climate Fund," *Financial Times* (14 May 2026), available at <https://www.ft.com/content/98dc9a60-3260-43b4-abab-356bd5a8b41c>.

the ecological foundations necessary for the realization of ESCR, thereby engaging States' legal obligations under the Covenant.

2. Relevant Legal Obligations and Requisite Measures

2.1 Relevant Primary legal obligations

xiv. **The International Covenant on Economic, Social and Cultural Rights (ICESCR) continues to apply during situations of armed conflict**, including occupation, alongside international humanitarian law and other applicable rules of international law,⁴² domestically and extraterritorially, extending to present and future generations. The International Court of Justice (ICJ) has repeatedly affirmed, including in the *Wall Advisory Opinion* and *Armed Activities on the Territory of the Congo*, that the protection afforded by human rights treaties does not cease in times of armed conflict.⁴³ The Committee on Economic, Social and Cultural Rights (the Committee) has likewise clarified that States Parties remain bound by Covenant obligations where their conduct foreseeably affects the enjoyment of Covenant rights, including extraterritorially.⁴⁴

xv. In accordance with the principle of systemic integration,⁴⁵ and as reflected in the Committee's interpretative practice,⁴⁶ **obligations under the Covenant in situations involving armed conflict, militarization, and the fossil economy must be interpreted consistently with other applicable rules and principles of international law**, including international humanitarian law, international environmental law, climate change law, and relevant rules concerning corporate responsibility and accountability.⁴⁷

xvi. **These "legal sources are interconnected, with self-determination as a peremptory norm (*jus cogens*) linking IHL, IHRL, and UN obligations."**⁴⁸ The right to self-determination constitutes a foundational principle of the international legal order and has been recognized by the ICJ as a right *erga omnes* and as possessing a peremptory character under international law.⁴⁹ The Court has further reaffirmed that an integral component of self-determination is the right of peoples to

⁴² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), paras 106–113.

⁴³ International Court of Justice, *Armed Activities on the Territory of the Congo* (Democratic Republic of the Congo v Uganda) (Judgment) [2005] ICJ Rep 168, paras. 216–220., available at <https://www.icj-cij.org/case/116>.

⁴⁴ Committee on Economic, Social and Cultural Rights, *General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, UN Doc. E/C.12/GC/24 (2017), paras 25–30, available at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/general-comment-no-24-2017-state-obligations-con-text>.

⁴⁵ Vienna Convention on the Law of Treaties, art. 31 (3) (c), opened for signature 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980). See also Rep. of the Study Grp. of the Int'l L. Comm'n, *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*, UN Doc. A/CN.4/L.702 (13 July 2006), part 4, available at https://legal.un.org/ilc/documentation/english/a_cn4_l702.pdf.

⁴⁶ See, for example, CESCR, *General Comment No. 26 on land and economic, social and cultural rights*, UN Doc E/C.12/GC/26 (2022), paras 1, 2, 54, 56, available at <https://www.ohchr.org/en/documents/general-comments-and-recommendations/ec12gc26-general-comment-no-26-2022-land-and>; Committee on Economic, Social and Cultural Rights, *Statement on climate change and the International Covenant on Economic, Social and Cultural Rights*, UN Doc. E/C.12/2018/1 (2018), paras. 6–8.

⁴⁷ Vienna Convention on the Law of Treaties, art. 31(3)(c); Committee on Economic, Social and Cultural Rights, *General Comment No. 24 on State obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities*, UN Doc. E/C.12/GC/24 (2017), paras. 10, 12.

⁴⁸ International Court of Justice, *Obligations of Israel in relation to the presence and activities of the United Nations, other international organizations and third States in and in relation to the Occupied Palestinian Territory* (Request for Advisory Opinion), Written Statement of the Republic of Vanuatu, February 28, 2025, para 39 <https://icj-web.lemna.un-icc.cloud/sites/default/files/case-related/196/196-20250228-wri-18-00-en.pdf>.

⁴⁹ International Court of Justice, *East Timor (Portugal v Australia)*, [1995] ICJ Rep 90, para 29, available at <https://www.icj-cij.org/case/84>; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion), para 233.

permanent sovereignty over their natural resources,⁵⁰ including their ability to freely pursue their economic, social, and cultural development. The exercise of the right to self-determination, enshrined in Article 1 of the Covenant, depends upon the preservation of the material and environmental conditions necessary for peoples' survival, dignity, and collective continuity, as well as their ability to exercise meaningful control over their lands, territories, and natural resources.⁵¹ Accordingly, situations of armed conflict may seriously interfere with the exercise of self-determination, and consequently, the enjoyment of other Covenant rights.⁵²

xvii. The Covenant should be interpreted consistently with the growing recognition under international law that fossil fuel dependency, armed conflict, and environmental destruction are deeply interconnected with major implications for human rights.⁵³ **Addressing this nexus requires States to prevent foreseeable environmental harm**, regulate corporate actors contributing to climate-related human rights harms and environmental degradation⁵⁴ – particularly those operating in the fossil fuel and financial sectors⁵⁵ – and ensure that military, energy, and economic policies do not undermine the conditions necessary for the realization of ESCR under the Covenant and other multiple, complementary sources of law.⁵⁶

xviii. **The role of fossil fuels as a driver of armed conflict reinforces the legal obligations in relation to fossil fuel phase out.** Because fossil fuelled armed conflict and climate change have complex interconnections and impair the enjoyment of human rights, including the right to self-determination, and the right to a clean, healthy, and sustainable environment, recognized as a precondition for the enjoyment of a wide range of human rights,⁵⁷ human rights law requires States to phase out fossil fuels.⁵⁸ Such phaseout is also required by the longstanding duty under

⁵⁰ *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion), para. 240.

⁵¹ Human Rights Committee, *General Comment No. 36*, UN Doc. CCPR/C/GC/36 (2018), paras. 26, 62, available at <https://docs.un.org/en/ccpr/c/gc/36>; CESCR, *General Comment No. 26 on Land and Economic, Social and Cultural Rights*, UN Doc. E/C.12/GC/26 (2022), paras. 1, 2, 6, 49.

⁵² *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory* (Advisory Opinion), paras. 122–134; *Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion), paras. 240–243; United Nations Declaration on the Rights of Indigenous Peoples, GA Res. 61/295 (2007), arts. 8, 25–32.

⁵³ Human Rights Council, *Analytical study on the promotion and protection of human rights in the context of climate change*, UN Doc. A/HRC/10/61 (2009), paras 18–24, available at <https://www.ohchr.org/sites/default/files/Documents/Press/AnalyticalStudy.pdf>.

⁵⁴ Francesca Albanese, *From Economy of Occupation to Economy of Genocide*, Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967, UN Doc. A/HRC/59/23 (16 June 2025), available at <https://docs.un.org/en/A/HRC/59/23>.

⁵⁵ United Nations Working Group on Business and Human Rights, *Taking stock of business and human rights in the climate emergency*, UN Doc A/78/155 (2023), paras 13–22, available at <https://docs.un.org/en/A/78/155>. In its Advisory Opinion OC-23/17, the Inter-American Court of Human Rights affirmed that States must prevent, regulate, and supervise activities posing risks of significant environmental harm, including harm caused by private actors. See Inter-American Court of Human Rights, *The Environment and Human Rights*, Advisory Opinion OC-23/17 (15 November 2017), paras 118, 146–180. Similarly, the UN Working Group on Business and Human Rights has clarified that businesses bear responsibilities under the UN Guiding Principles on Business and Human Rights to identify, prevent, and address climate-related human rights harms through adequate human rights and environmental due diligence, and has also underscored the critical importance of addressing corporate capture. See United Nations Working Group on Business and Human Rights, *Taking stock of business and human rights in the climate emergency*, UN Doc A/78/155 (2023), paras 47–56. International Law Commission, *Draft principles on protection of the environment in relation to armed conflicts* (2022), https://legal.un.org/ilc/texts/instruments/english/draft_articles/8_7_2022.pdf.

⁵⁶ Committee on Economic, Social and Cultural Rights, *General Comment No. 26 on land and economic, social and cultural rights*, UN Doc E/C.12/GC/26 (2022), paras 54–56; Committee on Economic, Social and Cultural Rights, *General Comment No. 24*, paras 13–16.

⁵⁷ Committee on Economic, Social and Cultural Rights, *General Comment No. 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development*, UN Doc. E/C.12/GC/27 (26 September 2025), para. 1, available at https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FGC%2F27&Lang=en; International Court of Justice, *Obligations of States in Respect of Climate Change* (Advisory Opinion) (23 July 2025), para. 393, available at <https://ici-web.leman.un-icc.cloud/sites/default/files/case-related/187/187-20250723-adv-01-00-en.pdf>.

⁵⁸ The Legal Foundations for Fossil Fuel Phaseout: An Open Letter to the Co-Hosts and Participants of the First Conference on Transitioning Away from Fossil Fuels, p. 2, available at https://www.ciel.org/wp-content/uploads/2026/04/fossil_fuel_phaseout_legal_letter_santa_marta.pdf.pdf.

customary international law to prevent significant harm to the environment beyond a State's borders – a duty which predates the climate treaties and binds all countries, regardless of whether they are party to any climate agreement⁵⁹ – as well as other legal sources.⁶⁰ States must pursue these obligations with due diligence,⁶¹ and must cooperate to prevent and bring unlawful situations to an end, including through positive measures to ensure compliance with international law and prevent recurrence.⁶²

xix. The ICJ was clear: the “failure of a State to take appropriate action to protect the climate system from GHG emissions - including through fossil fuel production, fossil fuel consumption, the granting of fossil fuel exploration licences or the provision of fossil fuel subsidies - may constitute an internationally wrongful act which is attributable to that State.”⁶³

xx. Given military dependence on fossil fuels and entanglements with the fossil economy, the legal obligation to phase out fossil fuel production, use, and subsidization may require progressive demilitarization,⁶⁴ while redistributing military expenditure towards international climate finance for mitigation, adaptation, and addressing loss and damage. Moreover, robust accounting of military GHG emissions is necessary to address a major and longstanding gap in global climate governance and end the historic exclusion of militarization from meaningful climate scrutiny.⁶⁵

xxi. In terms of additional measures, third States' obligations to prevent and bring an end to serious violations can entail diplomatic measures,⁶⁶ sanctions, and trade regulations, including in relation to fossil fuels. For example, following calls for a global energy embargo for Palestine,⁶⁷ Colombia announced in June 2024 that it would stop all coal exports to Israel,⁶⁸ and a group of eight countries committed to coordinated legal and diplomatic measures in pursuit of accountability for Israel's violations of international law, including in relation to military fuel.⁶⁹

⁵⁹ Ibid., p.1.

⁶⁰ Ibid.

⁶¹ Ibid., p.2.

⁶² International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts* (2001), arts 40-41; *Legal Consequences Arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem* (Advisory Opinion), para. 279.

⁶³ *Obligations of States in Respect of Climate Change* (Advisory Opinion), para. 427.

⁶⁴ “Demilitarisation means both a significant and sustained reduction in military expenditure and a movement towards a society where conflicts are handled without the use of military force.” See Geoff Harris, “Demilitarising Southern Africa: Lessons from the Central American Experience,” *Journal of Interdisciplinary Economics*, vol. 15, issue 3-4 (2004), available at <https://doi.org/10.1177/02601079X04001500309>.

⁶⁵ As affirmed in ICJ Judge Cleveland's separate opinion: “Thus, the obligations of States under the climate change treaties and customary international law to assess, report on and mitigate harms to the climate system include responsibility to address the impacts resulting from armed conflict and other military activities. Failing to take such harms into account underreports and distorts our understanding of global warming and undermines the ability of the international community to tackle its causes. It is thus directly contrary to the international obligations of States to protect the climate system and other parts of the environment from GHG emissions.” International Court of Justice, *Obligations of States in respect of Climate Change* (Advisory Opinion), Separate opinion of Judge Cleveland (23 July 2025), paras. 15-20, available at <https://www.icj-cij.org/sites/default/files/case-related/187/187-20250723-adv-01-10-en.pdf>.

⁶⁶ For example, the UN Special Rapporteur on the Occupied Palestinian Territories has recommended that States “suspend all military, trade and diplomatic relations with Israel” and a group of 25 UN mandate-holders have urged States to suspend Israel from the UN, appealing to member states' legal obligations under the ICJ and international human rights law. See Francesca Albanese, *Gaza Genocide: A Collective Crime, Report of the Special Rapporteur on the Situation of Human Rights in the Palestinian Territories Occupied since 1967*, UN Doc. A/80/492 (20 October 2025), available at <https://www.un.org/unispal/document/special-rapporteur-report-gaza-genocide-a-collective-crime-20oct25>; United Nations, *One year after ICJ ruling, UN experts urge States to confront inaction over Israel's unlawful occupation* (19 September 2025), <https://www.un.org/unispal/document/un-experts-press-release-19sep25.As>.

⁶⁷ Global Energy Embargo for Palestine (2026), available at <https://palenergyembargo.com/#demand>.

⁶⁸ Progressive International, *PI Briefing | No. 24 | Colombian coal will no longer fuel genocide*, (17 June 2024), <https://progressiveinternational/wire/2024-06-17-pi-briefing-no-24-colombian-coal-will-no-longer-fuel-genocide/en/>.

⁶⁹ The Hague Group, *Launch of The Hague Group, January 2025, The Hague, Netherlands*, <https://thehaguegroup.org/meetings-hague-en/>.

Regulation of fossil fuel exports to ensure end-use accountability may help prevent foreseeable risks of contributing to serious violations of international law associated with military operations or armed conflict.⁷⁰

2.2 Secondary Obligations Accountability, Reparation, and Guarantees of Non-Repetition

xxii. In light of their legal obligations under the Covenant and other applicable international law, **States must prevent and repair** human rights violations caused by armed conflict and militarization, including the climate-related impacts of military emissions and environmental damage, by ceasing climate-destructive conduct and providing full reparation to those affected.

xxiii. **The right to remedy and reparation** as a consequence of harm suffered is a foundational component in international law, entailing a corresponding obligation on the part of the wrongdoer to provide it. International law defines effective remedies to entail access to justice and substantive redress, which may include restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.⁷¹

xxiv. As has been authoritatively and consistently affirmed, including in the context of ICESCR, this right and corresponding obligations **apply to harm to the climate system and related human rights violations,**⁷² and **violations in the context of armed conflict and militarization.**⁷³ This Committee has confirmed that “where transboundary environmental harm occurs, States Parties must mitigate and remedy the impacts on Covenant rights,”⁷⁴ which applies in the context of climate-related harm resulting from military emissions. The recent climate advisory opinions from the ICJ and Inter-American Court of Human Rights (IACtHR) further strengthen the bases for remedy and reparation for climate harm.⁷⁵

⁷⁰ Despite fossil fuels’ role in sustaining armed conflict, the global trade regime treats them as ordinary civilian commodities, with no meaningful transparency, end-use verification, or accountability mechanisms comparable to those applied to weapons or dual-use goods. As a result, fuels essential to military operations circulate through global markets without requisite due diligence or scrutiny, despite foreseeable risks of contributing to armed conflict and violations of international law. See Global Energy Embargo for Palestine, *Closing the Fossil Fuel Export Control Gap: The Case for Mandatory End-Use Certification as a Global Standard*, Legal Briefing (April 2026), available at <https://palenergyembargo.com/resources/legal-briefing-closing-the-fossil-fuel-export-control-gap/>; Mark Bromley and Hugh Griffiths, “End-User Certificates: Improving Standards to Prevent Diversion,” *SIPRI Insights on Peace and Security*, No. 2010/3 (Stockholm International Peace Research Institute, March 2010), available at <https://www.sipri.org/sites/default/files/files/insight/SIPRIInsight1003.pdf>; Data Desk, *Israeli Crude and Fuel Supply Chains*, commissioned by Oil Change International (8 March 2024), available at <https://docs.datadesk.eco/public/976ce7dcf00743dc/>; SHADO and European Energy for Palestine, “Pipeline to Genocide,” *Transnational Institute* (9 September 2024), available at <https://www.tni.org/en/article/pipeline-to-genocide>.

⁷¹ UN General Assembly, *Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*, UN Doc. A/RES/60/147 (March 21, 2006), <http://undocs.org/A/RES/60/147>.

⁷² Center for International Environmental Law, *Memorandum on Legal Consequences for States of Internationally Wrongful Acts Causing Harm to the Climate System*, Written Statement submitted to the International Court of Justice (20 March 2024), Part 1, available at <https://www.ciel.org/wp-content/uploads/2024/02/Amicus-Brief-ICJ-Defining-States-Climate-ObligationsReparations-Climate-Harm.pdf>.

⁷³ International Law Commission, *Articles on Responsibility of States for Internationally Wrongful Acts* (2001), arts 30–31, 34–37; UN General Assembly, *Resolution 60/147, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law*; Committee on Economic, Social and Cultural Rights, *General Comment No. 9: The Domestic Application of the Covenant*, UN Doc E/C.12/1998/24 (1998), para. 2; CESCR, *General Comment No. 27 (2025) on Sustainable Development and Economic, Social and Cultural Rights*, paras. 30, 87–90.

⁷⁴ CESCR, *General Comment No. 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development*, para. 30.

⁷⁵ *Obligations of States in Respect of Climate Change* (Advisory Opinion), Section V; Inter-American Court of Human Rights, *Climate Emergency and Human Rights*, Advisory Opinion OC-32/25 (29 May 2025, notified 3 July 2025), Series A No. 32, paras. 556–559.

xxv. States must make full reparation for loss and injury caused by violations of international law in the context of armed conflict, and reparations for military emission-induced climate harm should be seen as one component of such broader reparations. The Council of Europe⁷⁶ established a registry of damage, in response to a resolution of the UN General Assembly calling for accountability and recognizing the need to make reparations for injuries and damages caused by the Russian invasion of Ukraine,⁷⁷ under which Ukraine is actively considering submitting a claim for the climate damages caused by the increase in emissions due to the war.⁷⁸ Tipping Point North South and the Palestinian Institute for Climate Strategy calculated that Israel and its allies owe an estimated amount of 148 billion USD to the Palestinian people, representing the “measurable climate liability” of military and conflict-related emissions since the Nakba (1948), as “one entry point into the broader reparations reckoning for Palestine, which must also encompass the wider harms of occupation, genocide, ecocide and systemic destruction of Palestinian life.”⁷⁹

xxvi. Measures to meet remediation obligations in the context of armed conflict and climate change encompass access to justice, monetary and non-monetary relief, and structural solutions.

xxvii. Given the breadth of human rights violations related to armed conflict and militarization in the context of climate change, **substantive redress must extend beyond immediate humanitarian relief** and encompass restitution, rehabilitation, environmental restoration, guarantees of non-repetition, and long-term measures aimed at ensuring the conditions necessary for dignified civilian life, ecological recovery, and sustainable reconstruction, aiming to strengthen adaptive capacity and climate resilience. Additionally, specifically in the context of military emissions, proposals have been made for ensuring that international institutions charged with adjudicating war crimes and reparations incorporate military- and conflict-related emissions into the reparations framework.⁸⁰ Finally, the obligation to provide guarantees of non-repetition entails a need for more structural solutions towards lasting and sustainable peace and climate resilience, which includes the abovementioned imperative to phase out fossil fuels, account for military emissions, and provide international climate finance.

2.3 Rights of Nature: Considering Emerging Legal Developments

xxviii. Armed conflicts leave deep, widespread, and lasting scars on territories and nature. They lead to deforestation, water pollution, soil degradation, and biodiversity loss, and disrupt ancestral and spiritual practices related to land use. These often-overlooked effects are complex

⁷⁶ Council of Europe, *Register of Damage for Ukraine*, available at <https://www.coe.int/en/web/human-rights-rule-of-law/register-of-damage-for-ukraine>.

⁷⁷ UN General Assembly, *Furtherance of remedy and reparation for aggression against Ukraine*, UN Doc. A/RES/ES-11/5 (14 November 2022), available at https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4F9C-8CD3-CF6E4FF96FF9%7D/a_res_es_11_5.pdf.

⁷⁸ Simon Jessop and Sebastian Rocandio, “Ukraine plans \$44 billion claim against Russia for wartime emissions,” *Reuters* (Belem), November 18, 2025, available at <https://www.reuters.com/sustainability/cop/ukraine-plans-44-billion-claim-against-russia-wartime-emissions-2025-11-18/>; Georgetown Security Studies Review, “The Climate Cost of the Russo-Ukraine War and the Case for Russian Reparations,” *Georgetown Security Studies Review* (13 January 2026), available at <https://gssr.georgetown.edu/the-forum/topics/biosec/the-climate-cost-of-the-russo-ukraine-war-and-the-case-for-russian-reparation-s/>.

⁷⁹ Tipping Point North South and the Palestinian Institute for Climate Strategy, *Military & Conflict-Related Emissions & Climate Reparations for Palestine*, Briefing (2025), available at https://transformdefence.org/wp-content/uploads/2025/09/briefing_tpnspics.pdf.

⁸⁰ Transform Defence, *Military & Conflict-Related Emissions & Climate Reparations* (2025), available at https://transformdefence.org/wp-content/uploads/2025/09/paper_tpnspics.pdf.

manifestations of armed violence that disrupt the delicate balance of nature, resulting in severe interconnected consequences for both humans and non-humans⁸¹ and the realization of ESCR.⁸² Moreover, planetary environmental crises – driven by an economic model based on unlimited growth⁸³ and “shaped by enduring relations of domination over both nature and people”⁸⁴ – can intensify the existing pressures of armed conflict over territories and nature, making it increasingly difficult to achieve the realization of Covenant rights.⁸⁵

xxix. This scenario of compounding threats highlights what this Committee has described as the “interrelated nature of human, animal and environmental health,”⁸⁶ urging the promotion of “planetary health, on which human health ultimately depends.”⁸⁷ Similar reflections have led many domestic and regional jurisdictions worldwide to adopt and consolidate ecocentric approaches aimed at protecting human rights beyond anthropocentric limits.⁸⁸ Last year, the IACtHR, through a groundbreaking advisory opinion, reasoned that the recognition and protection of the rights of Nature are “essential to preserve the conditions that support life on our planet and to guarantee a decent and healthy environment,”⁸⁹ “[provide] coherent and effective legal tools in relation to the triple planetary crisis to prevent existential harm before the latter becomes irreversible,”⁹⁰ and are necessary to the progressive realization of ESCR.⁹¹

xxx. In conflict and post-conflict situations, ecocentric models, including the recognition of the rights of Nature, are also being integrated by transitional tribunals. This reflects a profound understanding that the impacts of war extend beyond harm to individuals and affect the very fabric of life and ecosystems. Since 2019, the Colombian Special Jurisdiction for Peace—the court responsible for addressing cases related to the armed conflict—has issued several decisions in four key cases recognizing that territory and nature can be direct victims of war, deserving their own right to reparations.⁹²

⁸¹ For example, genocide in Gaza has also been perpetrated through the “complete degradation of the soil, water, land, and agriculture. Sewage, wastewater, and solid waste management systems have collapsed. The destruction of buildings, roads and other infrastructure has generated millions of tons of debris have accumulated, some of which is contaminated with unexploded ordnance, asbestos, and other hazardous material.” See United Nations, *How Conflict Impacts our Environment*, available at <https://www.un.org/en/peace-and-security/how-conflict-impacts-our-environment>. In the context of the armed conflict in Colombia, rivers have been both materially and morally tainted. The blasting of oil pipelines has inflicted irreversible damage on river ecosystems, endangering the food and economic security of local communities, including farmers, Indigenous Peoples, and fisherfolk. Once vibrant sources of life, these rivers have also witnessed brutal massacres in the conflict’s history, instilling fear and damaging the cultural ties between communities and their rivers. See Isabella Ariza-Buitrago and Luisa Gómez-Betancur, “Nature in Focus: The Invisibility and Re-Emergence of Rivers, Land and Animals in Colombia’s Transitional Justice System,” *International Journal of Transitional Justice*, vol. 17, issue 1 (March 2023), pp. 71–88, available at <https://doi.org/10.1093/ijtj/ijad001>.

⁸² See Bernard Duhaime, *Transitional Justice and Economic, Social and Cultural Rights*, Report of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, UN Doc. A/80/175 (16 July 2025), available at <https://www.ohchr.org/en/documents/thematic-reports/a80175-transitional-justice-and-economic-social-and-cultural-rights>.

⁸³ CESCR, *General Comment No. 27 (2025) on Economic, Social and Cultural Rights and the Environmental Dimension of Sustainable Development*, para. 15.

⁸⁴ *Ibid.*, para. 2.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*, para. 69.

⁸⁷ *Ibid.*

⁸⁸ Eco Jurisprudence Monitor, *Initiative Index*, ‘Monitor’ section, available at <https://ecojurisprudence.org/about-2/>.

⁸⁹ IACtHR, *Climate Emergency and Human Rights*, Advisory Opinion OC-32/25, para. 281.

⁹⁰ *Ibid.* para. 279.

⁹¹ *Ibid.*, paras. 262, 281.

⁹² This recognition opens a vital pathway for comprehensive reparations, which includes measures for environmental restoration, the recovery of ancestral conservation practices, and the development of public policies that ensure the protection of nature’s rights and the active participation of communities in its care. See Jurisdicción Especial para la Paz (Colombia), Caso 02 (Ricaurte, Tumaco y Barbacoas, Nariño); Caso 05 (Norte del Cauca y Sur del Valle del Cauca); Caso 08 (Crímenes cometidos por la Fuerza Pública); Caso 09 (Crímenes no amniables cometidos contra Pueblos y Territorios Étnicos); Jurisdicción Especial para la Paz, *Herramientas para la identificación, caracterización y documentación de daños ambientales y territoriales en el marco del conflicto armado* (2026) (Colom.), available at

xxxi. Legal recognition of ecocide, a term that during its early days was invoked to describe large-scale environmental destruction caused by U.S. military action during the Vietnam War,⁹³ complements the rights of Nature framework. In 2021, an independent expert panel defined ecocide as “unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.”⁹⁴ In recent years, the concept has gained momentum around the world, with proposed national ecocide laws pending in numerous countries. At the international stage, in 2024 a group of Pacific Island States formally requested that the ICC revise the Rome Statute to recognize ecocide as an international crime prosecutable in the same manner as genocide, war crimes, and crimes against humanity.⁹⁵

xxxii. In terms of requisite measures, advancing ecocide laws offers a pathway for implementing the rights of Nature by creating criminal enforcement mechanisms for public and private conduct that causes the gravest harm to ecosystems and to the living and non-living elements constituting them. Ecocide laws consistently encompass environmental damage carried out intentionally or with wanton disregard, particularly over large geographic areas, often crossing State borders. Armed conflict fits these criteria, not only by inflicting severe direct environmental degradation whose impacts can often be felt for generations (*infra* 1.2), but by emitting massive volumes of GHGs (*infra* 1.1), accelerating global temperature rise and its irreversible effects for natural systems and life on Earth.

3. Recommendations for the General Comment

In light of the above, we respectfully recommend the Committee to include the following in its General Comment on the Application of the ICESCR in Situations of Armed Conflicts:

- Recognize that military systems significantly contribute to climate change and environmental degradation, thereby intensifying threats to the enjoyment of ESCR.
- Recognize that the fossil economy significantly contributes to armed conflict, militarization, environmental destruction, and related violations of ESCR, and affirm that States’ obligations to respect, protect, and fulfil rights under the Covenant in the context of armed conflict require effective measures to rapidly and equitably phase out fossil fuels, including in relation to the duty to prevent harm in the context of climate change, and in relation to armed conflict.
- Affirm that the obligation to phase out fossil fuels may require progressive demilitarization, and call on States to adopt measures to reduce military emissions, including by redirecting military expenditures towards international climate finance.
- Recognize that effective accountability for the impacts of militarization on ESCR requires closing the longstanding transparency gap in military greenhouse gas emissions reporting

<https://www.jep.gov.co/DocumentosJEPWP/Herramientas-identificacion-caracterizacion-documentacion-danos-ambientales-territoriales.pdf>.

⁹³ Gita Parihar & Lovleen Bhullar, “Reviving India’s River Goddesses: Ecocide, the Human Right to a Healthy Environment and Rights of Nature” *The International Journal of Human Rights*, (October 2025), pp. 1–19, <https://doi.org/10.1080/13642987.2025.2573386>.

⁹⁴ Stop Ecocide Foundation, *Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text* (June 2021), available at <https://www.stopecocide.earth/legal-definition>.

⁹⁵ Fiona Harvey, “Pacific Islands Submit Court Proposal for Recognition of Ecocide as a Crime,” *The Guardian* (9 September 2024), available at <https://www.theguardian.com/law/article/2024/sep/09/pacific-islands-ecocide-crime-icc-proposal>. Additionally, while the Inter-American Court did not explicitly use the term ecocide in its 2025 climate advisory opinion, it did conclude that the obligation not to cause irreversible damage to the environment — including the climate system — constitutes *jus cogens* under international law. IACtHR, *Climate Emergency and Human Rights*, Advisory Opinion OC-32/25, Section B.1.3.

and call for robust, transparent, and internationally standardized accounting methodologies that capture direct and indirect military emissions

- Acknowledge the growing relevance of ecocide and related accountability frameworks as tools for deterrence, remediation, environmental restoration, and guarantees of non-repetition in situations of armed conflict.
- Affirm that States have obligations to prevent, regulate, and remedy activities within their jurisdiction or control that foreseeably contribute to violations of ESCR in situations of armed conflict, including through fossil fuel-related activities and supply chains.
- Recognize that third States' obligations to prevent and bring to an end serious violations of ESCR in situations of armed conflict may require diplomatic measures, sanctions, and trade regulations, including in relation to fossil fuels.
- Affirm that States must make full reparation for loss and injury caused by violations of international law in the context of armed conflict, including reparations for military emission-induced climate harm and other forms of environmental damages related to the fossil fuel dependency of militaries, and that such reparations may entail restitution, compensation, rehabilitation, satisfaction, and guarantees of non-repetition.

This submission has been prepared by the Center for International Environmental Law. For any questions or feedback regarding this specific submission, please reach out to Camilla Pollera (cpollera@ciel.org) and Lien Vandamme (lvandamme@ciel.org).