

# **Shadows of Strife: The role of Environmental Law in Safeguarding People and the Environment in Times of Conflict**

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## **ABSTRACT**

### **Business, Environment and Armed Conflict: Navigating the Bermuda Triangle**

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Armed conflicts frequently occur in regions rich in natural resources, often characterised by fragile governance, weak rule of law, and institutional instability. Besides, the number of armed conflicts is on the rise around the world and thus, companies may easily find themselves or their suppliers on a territory of a conflict. Operations in such volatile environments pose significant challenges for companies since their operations may contribute to severe environmental violations in various ways (e.g., deforestation, resource pillaging, forced displacement, and even involvement in production and supplying of prohibited weapons, all of which can significantly damage environment). International Humanitarian Law governs these regions, imposing obligations on states and individuals, including businesses. Companies must ensure their operations do not exacerbate conflicts or contribute to environmental or human rights violations. Despite IHL's protective framework, gaps in corporate accountability persist. There is no efficient mechanism that would hold companies accountable, although company representatives can be prosecuted individually by the International Criminal Court under art. 25 of the Rome Statute.

Recent developments in international law aim to address this accountability gap. The Malabo Protocol, ILC Draft Articles, and the MLA Convention propose frameworks for prosecuting corporations for crimes, including environmental violations. Landmark cases, such as the prosecution of industrialists after World War II and more recent cases like Lafarge in Syria and Lundin Oil in Sudan, illustrate the challenges and progress in prosecuting corporate involvement in war crimes and environmental violations. In response, businesses are encouraged to adopt heightened human rights due diligence and comply with IHL to mitigate risks. Failure to integrate these frameworks exposes companies to operational, financial, and reputational damage, as well as potential civil and criminal liability.