

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

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ABSTRACT

New Rules, Old Gaps: Corporate Environmental Due Diligence in Conflict-Affected Areas and Lessons from Past Initiatives

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In recent years, there has been a growing consensus on the need to hold corporations accountable for their environmental impacts in conflict-affected areas. Principles 10 and 11 of the International Law Commission's Principles on the Protection of the Environment in Relation to Armed Conflicts underscore the obligations of corporations to exercise due diligence and their potential liability for environmental harm in such contexts. Alongside the new EU Directive on Corporate Sustainability Due Diligence and similar laws at the member-state level, these developments demonstrate how the concept of human rights due diligence has become central to the international movement for corporate accountability and sustainability in global value chains. At the same time, they expose the persistent challenges faced by international law in bridging accountability gaps for corporate environmental damage.

Against this backdrop, this paper explores the various legal frameworks relevant to corporate accountability for environmental harm in conflict-affected areas. These include International Humanitarian Law, international and national criminal law, and the Business and Human Rights field, with its emphasis on environmental due diligence mechanisms. By analyzing the outcomes and limitations of past due diligence regulatory initiatives—such as the OECD Guidelines for Multinational Enterprises, the U.S. Dodd-Frank Act, and the EU Conflict Minerals Regulation—this paper evaluates whether emerging regulatory frameworks can build on prior experiences and address their well-documented shortcomings. In doing so, this study seeks to contribute to the underexplored literature on corporate actors, environmental harm, and armed conflict.