

Is Russian Aggression in Ukraine Ecocide?

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Abstract

The article is focused on the environmental consequences of the full-scale Russian aggression in Ukraine and the legality of characterizing them as ecocide. The discussion about ecocide started as a reaction to the environmental transformation during the Vietnam War (1966–1971). It has shown the strong connection between the war and the crimes against the natural ecosystems and human environment that may have a genocidal effect on certain nations, ethnic or religious groups, etc.

Though the legal status of the crime of ecocide is still under the discussion at the international level, the very term 'ecocide' moved far beyond jurisprudence and became widespread in media, public opinion, and the different forms of activism. This is a departure point for informing about and estimating the destructive environmental consequences of the Russian aggression in Ukraine at both national and international levels.

Keywords

Nature; the crime of ecocide; genocide; Russian aggression; Ukraine.

Abstrakt

Článek se zaměřuje na environmentální důsledky ruské agrese na Ukrajině a na oprávněnost jejich označení za ekocidu. Diskuse o ekocidě začala jako reakce na proměnu životního prostředí během války ve Vietnamu (1966–1971). Ukázala silnou souvislost mezi válkou a zločiny proti přírodním ekosystémům a životnímu prostředí člověka, které mohou mít genocidní účinek na určité národy, etnické či náboženské skupiny atd.

Ačkoli právní status trestného činu ekocidy je na mezinárodní úrovni stále předmětem diskusí, samotný pojem „ekocida“ daleko přesáhl rámec judikatury a rozšířil se v médiích, veřejném mínění a různých formách aktivismu. To je východiskem pro informování o ničivých ekologických důsledcích ruské agrese na Ukrajině na národní i mezinárodní úrovni a pro jejich odhad.

Klíčová slova

Příroda; zločin ekocidy; genocida; ruská agrese; Ukrajina.

War is the most unnatural and anti-vital phenomenon, in which the destruction of nature or ecocide (from the Greek *οικος* – house and Latin. *Caedo* – to kill) is extremely evident.

The full-scale Russian aggression in Ukraine results not only in the human deaths and suffering and destruction of infrastructure and other material assets but also in irreparable damage to the environment, natural ecosystems, flora, fauna, farmlands, etc. Ukraine is already facing the challenge of estimating environmental harms and then bringing the Russian Federation to responsibility for all crimes committed on the territory of the sovereign country including crimes against nature.

To the history of the issue

The term “ecocide” (Ecocide Law) was coined by the American biologist and bioethicist *Arthur W. Galston* (1920–2008) at the Conference on War and National Responsibility in Washington (1970). He proposed to use this term to describe the catastrophic consequences of the application of the herbicide *Agent Orange* during the war in Vietnam when the American military spread about 200 mln gallons (1 gallon = 3,785 l) of this defoliant during the period from 1962 to 1970. It was used for the destruction of forests to reveal the positions and routes of the Vietnamese army. Arthur W. Galston argued that the wide-scale spread of the defoliant destroys the important ecological niches of the region.

Then the group of the American scientists prepared a report pointing out the negative impacts of *Agent Orange* not only on the environment but also on human health. They also lobbied the substantial toxicologic research. Finally, these resulted in the decision of President R. Nixon to ban the use of this defoliant.

The war in Vietnam became the start point for the sharp and extensive discussions at the international level about the environmental consequences of the war. The massive destruction of the environment is caused not only by the purposeful modification of the ecosystems but also by the extensive use of explosive and incendiary munitions, subsequent forest fires, etc.

In the year 1972, the Prime Minister of Sweden Olof Palme used the term “ecocide” in his speech at the United Nations Stockholm Conference on the Human Environment to express his concern about the consequences of the Vietnam War. The ecological processes that can be described as “ecocide” were also discussed in parallel to official platforms. It is worth mentioning, that parallel platforms are standard practice for such international forums. Their organizers and participants are representatives of the national and international NGOs, indigenous people, local communities, and other civic society actors. But unfortunately, this term was not fixed in the Stockholm Declaration.

A year later the American lawyer Richard Falk was one of the first to formally outline a definition of “ecocide” and propose the adoption of the International Convention on the Crime of Ecocide. Later, in 1978, the UN Sub-Commission on Prevention of Discrimination and Protection of Minorities proposed to add the crime of ecocide to the Genocide Convention (Convention on the Prevention and Punishment of the Crime of Genocide) and The Amendment in which ‘the widespread, long-term and severe damage to the natural environment’

was mentioned in the list of war crimes (Article 8 (b, IV) in the Rome Statute (1998). (Rome Statute).

In June 2021, the group of independent experts in collaboration with the 'Stop Ecocide Foundation' drafted the amendment to the Rome Statute for the Legal Definition of Ecocide. It proposes considering ecocide and genocide as important articles of the Genocide Convention as any massive interference into the environment compromises the grounds of the existence of a certain nation, ethnic group, or community, its traditional lifestyle, and safety.

Nevertheless, some countries already accepted the terminology in national jurisdictions. (Ecocide Law in National Jurisdictions). There are countries of the former USSR, including Ukraine and the Russian Federation. Taking into account the dates of adoption of those laws, I can presume, that it was a reaction to the Chernobyl accident in 1986 and other negative consequences of the nature use in the former USSR. But there are no precedents for the application of these laws in practice.

Reflection on the situation in Ukraine

Following the daily reports about the Russian aggression which violates all internationally agreed conventions on war (See more: Ministry of the Foreign Affairs of Ukraine; Geneva Conventions: How Does Russia Violate Them), the severe and widespread damage to the environment, climate, natural ecosystems, biodiversity, and habitats becomes evident.

No less destructive damage is dealt to agroecosystems, farmlands, etc. Analyzing the consequences of the war in Vietnam one of the pioneers in the area of research on the interconnection between war and the environment *Arthur H. Westing* argued that the consequences of purposeful modification of ecosystems are most noticeable in regions where a significant population is involved in and dependent on agriculture. (Westing, 1974).

The estimation of the fifty years old events can now be applied for evaluation of the current situation in Ukraine, where agriculture plays a significant role in the economic welfare and food safety of the country, GDP share (about 11%), employment, self-employment, and livelihood of many people. Moreover, agriculture is the basic feature of the traditional lifestyle and self-identity of many Ukrainians, and Ukraine has a stable image as the "breadbasket" of the world. According to the data from 2018, about 31% of the Ukrainian population lived in the countryside, and about 15% were employed in the agricultural sector.

However, due to Russian aggression, the spring sowing of 2022 was disrupted, and many farmlands are in the zone of military actions or are the objects of purposeful destruction by minelaying and intense shelling by the Russians. According to Arthur H. Westing, these actions correspond to the criteria of ecocide when the very environment becomes the target for destruction.

This situation combined with a naval blockade disrupting grain exports, as well as theft of grain stocks from granaries and vegetable crops on temporary occupied territories of Ukraine endangers food safety not only in Ukraine but also in many other countries. (See more: In Focus: FAO responds to the Ukraine crisis). For instance, currently, more than 4,5 mln tons of grain are blocked in the Ukrainian ports that enable their shipping and sale at the world markets. This may result in rising hunger rates and mortality in many countries of Africa and Asia, and generate new waves of refugees from vulnerable regions and additional social and political tension in our globalized world.

There is an obvious interconnection between ecocide and genocide, which is defined as “intend to destroy, in whole or in part, a national, ethnical, racial or religious group” and deliberately “inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part”. (Convention on the Prevention and Punishment of the Crime of Genocide).

Moreover, the current wide-scale Russian aggression against Ukraine is also a direct continuation of the colonial policy of both the Russian and the Soviet empires and their ecocidal and genocidal practices, from those not only Ukrainians but also other enslaved peoples suffered. This is why the detection of the crimes of ecocide may and should be considered through the lens of decolonization which is still on the national agenda of Ukraine. This war can be seen fighting for national independence, democratic values, and humanity, which can't be gained without breaking with the Russian and Soviet colonial past. National sovereignty is inconceivable without sovereignty over the natural resources, while reciprocally, responsible nature management is intricately connected with personal and civic sovereignty. (Gardashuk, 2017; 2021). Now aggression of the Russian Federation demonstrates its imperialistic ambitions as a successor of both the former Russian Empire and the USSR. The Russian aggression in Ukraine will have worldwide destructive consequences to the environment and human food safety and life quality, which are yet to be estimated.

It is not easy to identify, record, and evaluate the final consequences of the destruction of the environment concerning the scale of damage and depletion of natural ecosystems, their complexity, and the probable distance between causes and effects in space and time. Especially this is true for climate when the emission into the atmosphere of harmful substances during the military actions and caused by them technogenic catastrophes are transported over long distances and have an accumulative effect.

It is worth mentioning that war is not the only factor for ecocide (military ecocide). It is also caused by colonial/neocolonial practices (colonial ecocide), extensive exploitation of natural resources, and damaging industrial activities (industrial ecocide) without respect to the environment and local communities. However, all these factors are closely interconnected. In addition, the perception of the crime of ecocide depends on the self-identification of various communities, people's spiritual rootedness in nature, and nature sacralization, when people are deeply convinced that “in an interdependent living community it is not possible to recognize the rights of only human beings without causing an imbalance within Mother Earth”. (Universal Declaration on Rights of Mother Earth). This is why, first, crimes against nature have not only legal, but also social, ethical, and existential dimensions; second, recognition of ecocide crimes belongs not only to the sphere of law but also to the research in anthropology, sociology, social psychology, public opinion, advocacy, and activism.

Conclusion

The Russian aggression in Ukraine has obvious features of ecocide. And though the legal status of the crime of ecocide is still under the discussion at the international level, the very term 'ecocide' moved beyond far jurisprudence (legal theory) and became widespread and took deep roots in media, public opinion, and the different forms of environmental and human rights activism.

This is why on the one hand, all crimes committed by the Russian Federation against nature and the environment should be carefully documented as evidence of war crimes, that have severe genocidal consequences for future litigation. On the other hand, the public information and opinion-shaping are capable of promoting both a fair assessment of the specific crimes of the current war and further warning of the destruction of the Biosphere of our planet as our common home.

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