



THE UNITED NATIONS ENVIRONMENTAL PROGRAMME
KENYA MODEL UNITED NATIONS
20TH SESSION
2ND MOCK DEBATE

BACKGROUND GUIDE

AGENDA: Have states effectively upheld International Environmental laws to avoid or reverse environmental damage during war?

LETTER FROM THE DAIS

Greetings Delegates,

On behalf of the United Nations Environmental Programme (UNEP) dais, I would like to welcome you to the 2nd Mock Debate of the 20th Session Kenya Model United Nations. We greatly appreciate your interest to participate in this committee and help fulfill its mandate. The dais will consist of Lynne Agafwa (**Chair**), Jeremy Atambo (**Co-chair**), and Faith Asimwe (**Committee Secretary**).

As you prepare for the Mock Debate, it is my hope that you'll do a lot of research concerning the agenda of the discussion. I suggest that you first try and understand the agenda beforehand.

This background guide provides you with a comprehensive summary of the agenda and gives you an ample idea of what exactly we shall be discussing during the 2nd Mock Debate. Despite the information provided in this guide, there is a significant amount of information on the agenda. It is my belief that you'll try your level best to be exhaustive in researching the agenda as this will be imperative in discussing the aforementioned agenda.

As you research, it is important to consider your country's foreign policy regarding the agenda. Have knowledge of your country's stand and try to find out your country's involvement in any decisions and agreements made affecting the country in focus on the agenda.

Additionally, it is our hope as the dais that you have polished on your knowledge of the rules of procedure at this point of time. If not kindly reach out to your local PGA to aid you on the MUN rules of procedure. Nonetheless, we wish you a fruitful and happy debate. Kindly note that the Position Papers, which are due by **15th January, 2021 11:59 pm**, shall be sent to the Committee email; which shall be sent to specializedagency1@kenyamodelun.or.ke

Sincere Regards,

UNEP Dias.

Jeremy Atambo

Lynne Agafwa

Faith Asimwe

COMMITTEE INFORMATION

The **United Nations Environmental Programme (UNEP)** is a specialized agency in the United Nations that is responsible for the promotion and coherent implementation of the environmental dimension of sustainable development within the United Nations system. It also serves as an authoritative advocate for the global environment. It is also the leading global environmental authority that is mainly recognized for setting the global environmental agenda.



Our mission is to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations. Our motto is “*Environment for Development.*”

MANDATE AND GOALS OF THE UNITED NATIONS ENVIRONMENTAL PROGRAMME

As reiterated above, the main mission of the **UNEP** is to provide leadership and encourage partnership in caring for the environment by inspiring, informing, and enabling nations and peoples to improve their quality of life without compromising that of future generations.

UNEP has re-organized its work programmed into six strategic areas as part of its move to results-based management. The selection of six areas of concentration (that have been listed below) was guided by scientific evidence, the UNEP mandate and priorities emerging from global and regional forums.

1. **CLIMATE CHANGE**; UNEP strengthens the ability of countries to integrate climate change responses by providing leadership in adaptation, mitigation, technology and finance. UNEP is focusing on facilitating the transition to low-carbon societies, improving the understanding of climate science, facilitating the development of renewable energy and raising public awareness.
2. **POST-CONFLICT AND DISASTER MANAGEMENT**; UNEP conducts environmental assessments in crisis-affected countries and provides guidance for implementing legislative and institutional frameworks for improved environmental management. Activities undertaken by UNEP's Post-Conflict & Disaster Management Branch (PCDMB) include post-conflict environmental assessment in Afghanistan, Côte d'Ivoire, Lebanon, Nigeria and Sudan.
3. **ECOSYSTEM MANAGEMENT**; UNEP facilitates management and restoration of ecosystems in a manner consistent with sustainable development, and promotes use of ecosystem services. Examples include the Global Programme of Action (GPA) for the Protection of the Marine Environment from Land-Based Activities.
4. **ENVIRONMENTAL GOVERNANCE**; UNEP supports governments in establishing, implementing and strengthening the necessary processes, institutions, laws, policies and programs to achieve sustainable development at the country, regional and global levels, and mainstreaming the environment in development planning.
5. **HARMFUL SUBSTANCES**; UNEP strives to minimize the impact of harmful substances and hazardous waste on the environment and human beings. UNEP has launched negotiations for a global agreement on mercury, and implements projects on mercury and the Strategic Approach to International Chemicals Management (SAICM) to reduce risks to human health and the environment.
6. **RESOURCE EFFICIENCY/SUSTAINABLE CONSUMPTION AND PRODUCTION**; UNEP focuses on regional and global efforts to ensure natural resources are produced, processed and consumed in a more environmentally friendly way. For example, the Marrakech Process is a global strategy to support the elaboration of a 10-Year Framework of Programs on sustainable consumption and production.

STATEMENT OF THE PROBLEM

History of the Problem

Environmental impacts begin long before a war begins. Building and sustaining military forces consumes vast quantities of resources. Wars began from time immemorial. In Africa for instance, wars occurred in the past century. Most wars are as a result of liberation of countries after decades of colonization. Countries would fight over borders drawn by the colonialists. Wars are prevalent in densely populated regions over the division of scarce resources such as fertile farmland. Environmental impacts of wars are broad and vast and keeping track of them is grim. It is very hard to estimate the exact impact of each of these wars. They are, for instance, overhunting by refugees who lack food. Among the states that were greatly affected were:

Japan and U.S.A. during the 2 World war in 1945,¹ Japan went ahead and bombed the Pearl harbor, which was one of the military bases of the United States. Many casualties were taken in and in retaliation the United States decided to drop two nuclear bombs onto two cities in Japan namely Hiroshima and Nagasaki. The major problem with nuclear bombing is that unlike other kind of bombs, nuclear bombing is the case of radiation sickness, and the effects of the two bombings, Little Boy and Fat Man, as they were called, in Japan were felt for a very long time.



Another major war that had adverse environmental effects was the Gulf war which was between Iran and Kuwait from 1991². The war began with the invasion of Iraq on Kuwait, claiming power over the new territory under the leadership of Sadaam Hussein. Having refused to retreat Operation Desert Storm began to reclaim Kuwait. The Gulf War was one of the most environmentally devastating wars ever fought with Iraq having dumped approximately one million tons of crude oil into the Persian Gulf, which then caused the largest oil spill in history causing thousands of marine life and migratory birds to be poisoned and died.

¹ <https://www.lenntech.com/environmental-effects-war.htm>

² <https://www.britannica.com/event/Persian-Gulf-War>



The Congo war of 1998³ a civil war is fought in former Zaire, now known as the Democratic Republic of the Congo (DRC). The war has a devastating effect on the environment. National parks that are housing endangered species are often affected for exploitation of minerals and other resources. Refugees living in these parks would hunt wildlife for bush meat, either to consume or sell it. Farmers burnt parts of the forest to apply as farmland, and corporate logging contributes to the access of poachers to bush meat. Over a period, there was a huge decrease in animals; for instance, a survey done by the World Wildlife Fund showed that the Hippopotamus population in a single national park from 29,000 thirty years previously, to only 900 in 2005.⁷ This was also similar to the Rwanda war that caused millions of refugees into the Virunga National Park⁴.



CURRENT SITUATION

The number of states that have undergone and still are undergoing serious environmental damage caused by war are numerous. Even with the International Environmental law, policies and numerous protocols set in place, states have violated and used environmental vulnerability against other states. How then can this be curtailed and how can one ensure that states affect these environmental policies? Disagreements and tensions have continued to be on the rise to even early 2020 with the Middle East region being the most active in this crisis. These cases tend to show

³ Draulans & Krunkelsven, 2002; Shalukoma, 2000; Vogel, 2000; Wolfire, Brunner, & Sizer, 1998

⁴ <https://www.theguardian.com/environment/2014/Nov/06/what's-the-environmental-impact-of-modern-war>

that states are not mindful of the effects that these wars have on the environment and instead they are more centred on how much more damage they can cause to each other in retaliation.

Not only is it through wars but also through production or manufacture of these warheads which emit a lot of pollutive gasses such as Carbon (iv) oxide that is leading into climate change and the greenhouse effect⁵. States that are culprits of such are the United States, China and even Russia.

As the main legal framework that works during wartime is the Geneva Convention, the current discussion is whether a new law is necessary or there is sufficient limit of environmental effects by the existing law⁶. Can states be trusted to uphold these international treaties and laws or in what other ways can they be enforced?



PREVIOUS UN ACTIONS

The United Nations has been greatly involved in taking steps that have advanced environmental protection and conservation policies and laws. It first began with the Geneva Convention of 1949 and soon after the establishments of Protocol 1 of the Geneva Convention Article 35 and 55 in 1977, which in as much as they primarily looked at the rights of humans, they also had aforementioned articles that were concerned with the protection of the environment during conflict. It was then in 1972, that the United Nations Environmental Program was formed, during the Stockholm Conference on the Human Environment.

In 1976⁷, the Environmental Modification Convention was adopted to prohibit use of environmental modification techniques as a means of warfare. Not long after, in 1999⁸ UNEP was found to have conducted over 25 post conflict assessments using state of the art science that helped in determining environmental impacts of war. However, all this was challenged after the occurrence of the Gulf war. Nevertheless, UNEP started now partnering with member states and other global partners in strengthening the protection of the environment before, during and after armed conflict.

⁵ <https://usatoday30.usatoday.com/news/washington/2008-04-04-2602932101-x.html>

⁶ Barnaby F; The environmental impact of the Gulf war, *Ecologist*, 1991; 21:166-72.

⁷ https://treaties.un.org/pages/viewdetails.aspx?scr=IND&mtdsg_no=XXVI-1&chapter=26&

⁸ <https://www.unenvironment.org/news-and-stories/story/rooting-environment-times-cnflct-and-war>.

On 5th November 2001⁹The United Nation General Assembly declared 6th the International Day for preventing the exploitation of the environment in war and armed conflict and since then it has been an annual celebration.

Further into 2018¹⁰UNEP was able to partner with Iraq to build a cross-military team that was to be considered capable of tackling pollution from conflict and strengthen the government's response to future environmental emergencies. Again in 2019¹¹UNEP together with the UN Assistance Mission several countries such as Iraq carried out a Special program which conducted workshops that taught on the remediation of oil spills and management of chemical waste and to further fulfil their obligations under Rotterdam and Stockholm conferences.

Recently, on 8th July 2019, the International Law Commission, adopted 28 draft legal principles that are mandated to enhance protection of the environment in conflict and war situations. The Head of Environmental Peacebuilding, David Jensen made a very good statement in which he said, "Protecting the environment before, during and after must rise to the same level of political importance as protecting human rights¹²."



BLOC POSITIONS

1. NORTH AMERICA BLOC

The United States has been among the top environmental polluting states. From the beginning of the American civil war in which humans exhausted a lot of natural resources for war and altered landscapes, it was understood that only a few, then, had a finite understanding of nature and the concept of sustainable use. Even with the rise of great environmentalists such as Aldo Leopold and Gifford Pinchot, the USA remains to be a great pollutant not only by air but also environmental degradation. It went further even into the deployment of nuclear weapons of Hiroshima and Nagasaki during the 2 World War, which led to a series of various environmental and health issues to the residents of those areas in Japan due to radiation. Even though having signed the Treaty of

⁹ <https://daccess-ods.un.org/Tmp/401559.881865978.html>.

¹⁰ Ibid 4

¹¹ <https://www.unenvironment.org/news-and-stories/story/microbes-offer-hope-cleaning-iraq-conflicts-pollution-legacy>.

¹² Ibid 4

the Non-Proliferation of Nuclear Weapons, the U.S. has about 5000 nuclear warheads, which would prove to be very disastrous to the environment in the case of use.

The U.S. Department of Defence is America's largest consumer of fossil energy of about 20.9 billion litres every year¹³. A lot of these fuels are used to create weapons and when burnt emit CO2 commissions in large quantities compared to the size of Denmark. Canada withdrew from the Kyoto Protocol in 2012, while the USA had not even ratified it due to the lack of backup from the then senate. In 2017¹⁴, just a year after the ratification, the USA announced its decision to withdraw from the Paris agreement which finally took effect in November 2020. These decisions do not give the international arena the impression of a bloc that supports environmental protection and conservation which is proving to be a challenge.

These reports thus show less interest in environmental interests in this bloc.

2. ASIAN PACIFIC BLOC

With states that have undergone tremendous environmental damage during war such as Japan to states that pose great danger to the environment especially with air pollution such as China, the Asian Pacific bloc seems to be in two different directions. Majority of states in this bloc in exception of North Korea have signed the Treaty on Nuclear Non-Proliferation. This however proves great damage in a case of war by which either North Korea, China, or India, which are states with nuclear warheads, are involved. The effects of the use of such weapons against them or towards them will be devastating. Japan, on the contrary, even though it has the ability and resources to make nuclear weapons has refrained from doing so. As discussed with the production of CO2, China being also a great environmental polluter, however, has been working hard to reduce the amount of pollution incurred¹⁵. It could then be concluded that the Asian Pacific bloc is very mindful to be mindful of the impacts that wars have on the environment.

3. MIDDLE EASTERN AND AFRICAN BLOC

The Middle Eastern region must be the most environmentally affected regions due to the numerous wars they have been involved in, both civil and international. The Middle East has been faced with a lot of tension with attacks on Saudi oil fields and refineries by Houthi rebels in 2018, to the conflict between Iran and U.S.A in early 2020 to the blowing up of Iranian underwater pipelines causing large oil spills and marine pollution. It seems that armed groups deploy environmental vulnerability as a weapon while the affected are demanding change and taking protest to the streets¹⁶.

¹³ Ibid 1.

¹⁴ <https://www.bbc.com/cdn.ampproject.org/v/s/www.bbc.com/news/amp.science-environment-54797743>

¹⁵ <https://www.unfccc.int/news/china-meets-2020-carbon-target-three-years-ahead-of-schedule>.

¹⁶ <https://www.newssecuritybeat-org.cdn.2019/11/environement-hostage-armed-conflict>

Africa is a continent that is filled with natural resources and a lush environment however the states have had their fair share of armed conflicts, with others still currently on going, which are causing the depletion of such resources. A lot of the wars in Africa are of civil nature, however they still succumb to several environmental issues. Looking back to the Rwandan civil war¹⁷, it is seen that ¾ of a million citizens migrated to live in camps situated in forests and parks such as the Virunga National Park. The problem that occurred was the cutting down of more than 1000 tonnes of wood, on a daily basis, to provide shelter and firewood for the displaced population. The same was also seen in Democratic Republic of Congo with countless animals killed almost causing a change in the ecosystem. These examples show that environmental issues in Africa caused by war are mainly land pollution more that marine or air pollution. Nevertheless, numerous states in Africa have signed into treaties and conventions to ensure environmental protection and conservation. They have also ensured to incorporate statutes and bodies that regulate environmental protection and conservation such as NEMA in Kenya¹⁸.

4. EUROPEAN UNION

The European Region being the centre and most affected region of the two World wars from 1914 to 1945 has been influential in moving environmental conservation laws and policies. Coming from the effects of World Wars, many of the states in the European union have had to work towards reinstating themselves and restructuring. A great example of such is Germany. However, Kosovo greatly demonstrated how conventional weapons can cause environmental destruction in big capacities¹⁹.

The European bloc has many signatories of the Geneva convention and various protocols and agreements such as the Paris agreement of 2016. Most European States have also signed the nuclear non-proliferation treaty including the United Kingdom and France, however being in possession of nuclear weapons does continue to dominate concerns on the potential hazards to the environment of such technology²⁰

¹⁷ Ibid 3

¹⁸ Section 7, Environmental Management and Co-ordination Act (2012).

¹⁹ Finger M; The military, the nation state, and the environment, *Ecologist*: 1991; 21:220-5.

²⁰ Renner M; Assessing the military's war on the environment: in, Brown L. *State of the world*: 1991 p132-52

QUESTIONS A RESOLUTION MUST ANSWER

1. Has International Environmental Law effectively aided in the reinstatement of the environment from damages faced in war?
2. Have states been mindful of the environmental impact of weapons during an armed conflict?
3. How can we ensure that states will uphold International Environmental laws and policies concerned with environmental protection during war?

References

1. <https://www.un.org/youthenvoy/2013/08/unep-united-nations-environment-programme/#:~:text=UNEP's%20mission%20is%20to%20provide,compromising%20that%20of%20future%20generations.>
2. <https://www.unep.org/cpr>
3. **All other citations have been inscribed in the main text.*