

## Marine Pollution and Spoliation of Natural Resources as War Measures: A Note on Some International Law Problems in the Gulf War

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39 *ATENEO L.J.* 1 (1995)

*SUBJECT(S): INTERNATIONAL LAW, ENVIRONMENTAL LAW*

*KEYWORD(S): MARINE POLLUTION, ARMED CONFLICT, WAR MEASURES*

This Article focuses on two particular measures of warfare attributed to the Iraqi forces that occupied Kuwait: dumping of oil in the gulf and burning of Kuwait's oil wells. The Author discusses preliminarily on the factual background constituting the said acts. Next, he lays down the international legal provisions and formulations of authoritative policy relevant to an appraisal of the Iraqi activities mentioned. These include the 1982 Law of the Sea Convention on the provision requiring states to take all measures necessary to prevent, reduce, and control pollution of the marine environment from any source. The Author also then defines pollution and dumping. He, however, recognizes that the Law of the Sea Convention was not expressly designed to regulate the maritime relations of states in times of armed conflict. Another is Protocol 1 of 1977 and the United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD). Basically, the ENMOD prohibits the deliberate manipulation of natural processes. The Article then discusses relevant laws on armed conflict. Significantly, the Article asserts that the activities mentioned above may be classified as infliction of long-term damage upon the natural resources and thus would fall within the concept of military irrelevance or disproportionate damage. In the end, the Author suggests three conclusions. First is that the use of weapons or methods of warfare that inflict long-term and severe damage on the natural environment of an enemy state is unlawful. Second is that devastation of natural resources, unrelated to any specific military objective, constitutes unlawful attacks on civilian objects. Third is that a belligerent who inflicts such damage could be liable for such, perhaps through indemnification.