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ARTICLE

The Unprecedented Ramsar Resolution: Ukrainian Wetlands Protection in Armed Conflict

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Abstract

Armed conflict has devastating environmental consequences, adversely impacting critical ecosystems and natural resources. The conflict between Russia and Ukraine, which has been ongoing since February 2022, has significantly affected Ukrainian wetlands, jeopardising their vital ecosystem services. The Convention on Wetlands of International Importance Especially as Waterfowl Habitat ('Ramsar Convention'), which focuses on conserving and sustainably using wetlands, thus stands as a valuable tool for addressing environmental emergencies during armed conflict. With both Russia and Ukraine as Contracting Parties to the Ramsar Convention and their armed conflict causing a negative environmental impact, the effectiveness of the Ramsar Convention during such a conflict is being tested. The centrepiece of this article is a Resolution entitled 'Environmental emergency in Ukraine relating to the damage of its wetlands of international importance (Ramsar Sites) stemming from the Russian Federation's aggression' recently adopted by the Conference of the Contracting Parties to the Ramsar Convention. This article assesses the effectiveness of the mechanisms within the Ramsar Convention and this Resolution in addressing the environmental challenges faced by Ukrainian Ramsar Sites during armed conflict. This case study provides broad insights into the overall challenges to implementing international environmental law treaties in times of armed conflict. Furthermore, it highlights the potential of leveraging the Ramsar Convention and similar environmental agreements to effectively safeguard the natural environment and ecosystems in times of armed conflict.

Keywords Russia–Ukraine conflict · Ramsar Convention · Wetlands conservation · Environmental emergency · Multilateral environmental agreements · Environmental assessment

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1 Introduction

Ukraine possesses favourable climatic conditions, a strategically advantageous geographical location, and abundant natural resources.[1] Among its rich natural resources, the Ukrainian wetlands are a crucial ecosystem, with natural resources such as water, peat, minerals, plants, and animals, as well as recreational areas for humans—all these are central to sustainable development.[2] However, the armed conflict between Ukraine and Russia that commenced in late February 2022 has resulted in significant environmental consequences, with a particular impact on Ukrainian wetlands and water resources.[3] To date, 17 Ukrainian Wetlands of International Importance ('Ramsar Sites') are now fully occupied by the Russian Federation, and 14 sites are under threat from the extension of military activities and occupation.[4]

The importance of multilateral environmental agreements in mitigating the negative impact of warfare on the environment has been acknowledged by the International Law Commission (ILC) in its work on the 'Draft Principles on the Protection of the Environment in relation to Armed Conflict' ('Draft Principles').[5] In the commentary to Principle 4 of the Draft Principles concerning the designation of protected zones, the ILC directly refers to several multilateral environmental agreements that establish area-based protection of the environment.[6]

The Convention on Wetlands of International Importance Especially as Waterfowl Habitat ('Ramsar Convention or Convention') is an environmental agreement specifically designed for the conservation and sustainable use of wetlands. It serves as a legal instrument for promoting global environmental protection and sustainable development in relation to wetlands and related aquatic ecosystems. Given the devastating impact of the Russia–Ukraine conflict on Ukrainian wetlands, the role of the Ramsar Convention in protecting wetlands during armed conflict is being put to the test.

Within the original legal framework of the Ramsar Convention, two mechanisms are potentially available for addressing the destruction of wetlands in times of armed conflict. However, States have exhibited limited interest in employing these mechanisms during periods of conflict for wetlands conservation. This disinclination is evident in the Russia–Ukraine conflict, where neither Russia nor Ukraine has taken actions based on these mechanisms to preserve wetlands. Instead, in response to the ongoing conflict and its impact on Ukrainian wetlands, the Conference of the Contracting Parties (COP) to the Ramsar Convention has taken a different approach. In November 2022, the COP to the Ramsar Convention adopted Resolution XIV.20 entitled 'Environmental emergency in Ukraine relating to the damage of its wetlands of international importance (Ramsar Sites) stemming from the Russian Federation's

[1] Svirenko and Spirin (1997), p. 451.

[2] Ibid.

[3] Shumilova et al. (2023), p. 578.

[4] Ramsar Convention Secretariat (2022a), p. 29.

[5] International Law Commission (2022), pp. 101, 103, 135.

[6] Ibid., pp. 105–106.

aggression' ('Ramsar Resolution' or 'Resolution') to address the devastating impact of the armed conflict on Ukrainian Ramsar Sites.[7]

In this light, the primary objective of this article is to investigate and evaluate the role and effectiveness of the Ramsar Convention in addressing and mitigating the adverse environmental consequences caused by armed conflict, with a particular focus on this unique Ramsar Resolution. Furthermore, the article adopts a broad perspective and uses this specific case to shed light on the overall challenges and opportunities associated with using multilateral environmental agreements to safeguard the natural environment in times of armed conflict.

The article is structured as follows. First, in Sect. 2, an overview of the Ramsar Convention is provided to establish the foundational context. This section highlights the objective, key provisions, and the listing techniques employed by the Ramsar Convention for the conservation and sustainable use of wetlands.

Moving forward, Sect. 3 conducts an in-depth examination of two specific mechanisms present within the Ramsar Convention that may be used to respond to armed conflict. The two mechanisms are the provision concerning 'urgent national interests' and the Montreux Record. These mechanisms offer distinct approaches to the protection of wetlands in conflict zones. In addition, this section evaluates the effectiveness of using these mechanisms to address the ecological challenges arising in times of armed conflict.

Building upon the legal framework of the Ramsar Convention provided in Sects. 2 and 3, the subsequent sections are dedicated to an in-depth exploration of the Ramsar Resolution in the specific context of the Russia–Ukraine conflict. Section 4 provides an overview of the assessments conducted to evaluate the environmental damage to the Ukrainian Ramsar Sites, as well as the challenges associated with conducting such assessments during active armed conflict.

Section 5 of this article is centred on the Ramsar Resolution, which specifically addresses the impact of the Russia–Ukraine conflict on Ukrainian wetlands. This section outlines the proposed measures contained in the Resolution and examines the subsequent implementation thereof. Furthermore, this section undertakes a comparative analysis of the current Resolution as a potential new mechanism within the Ramsar Convention for addressing the protection of wetlands during armed conflict. By comparing the Resolution with the other two mechanisms analysed in Sect. 3, this section evaluates the strengths and weaknesses of the Resolution for effectively mitigating the environmental impact inflicted upon the Ukrainian Ramsar Sites.

Reflecting on the challenges faced by Ukrainian Ramsar Sites during the Russia–Ukraine conflict and the role of the Ramsar Convention, Sect. 6 provides broader insights into the difficulties of and opportunities for addressing environmental issues during armed conflict by using multilateral environmental agreements. The findings presented in this article contribute to a broad understanding of the obstacles to integrating multilateral environmental agreements into conflict management strategies.

[7] Ramsar Resolution XIV.20 (2022), The Ramsar Convention's response to environmental emergency in Ukraine relating to the damage of its Wetlands Of International Importance (Ramsar Sites) stemming from the Russian Federation's aggression, https://www.ramsar.org/sites/default/files/documents/library/xiv.20_ukraine_e.pdf (accessed 23 August 2023).

Although particular challenges exist during armed conflict, this article emphasises the vital roles and significant potential that multilateral environmental agreements have in safeguarding vulnerable ecosystems during such conflicts.

2 Overview of the Ramsar Convention

To begin with, this section provides an overview of the Ramsar Convention. Note that this section does not embark upon an extensive description of the development and provisions of the Ramsar Convention. Instead, a concise overview is presented, focusing on the primary purpose, key definitions, and listing techniques of the Convention in order to facilitate the subsequent analysis.

2.1 Defining Wetlands and 'Wise Use'

The Ramsar Convention is an international treaty signed in 1971 and which entered into force on 21 December, 1975; currently, the Convention has 172 Contracting Parties.[8] The Ramsar Convention is aimed at promoting the conservation and sustainable use of wetlands, which are among the most biologically diverse and productive ecosystems on Earth.[9] The Convention is named after the city of Ramsar in Iran, where the treaty was signed by representatives of 18 countries.[10] The Convention recognises the critical role that wetlands play in supporting biodiversity, regulating water cycles, and providing vital services to humans, such as water supply, flood control, and recreation.[11]

The use of the term 'wetlands' highlights the relationship between land and water.[12] Initially, wetlands were recognised as an important habitat for waterfowl.[13] Then, over time, the scope of the Ramsar Convention was expanded to encompass all aspects of wetlands conservation and wise use.[14] In determining the wetlands that fall within the scope of the Convention, the Ramsar Convention takes a comprehensive approach. According to Article 1.1 of the Convention, wetlands are defined as follows:

> Areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt,

[8] List of the Contracting Parties and the date of the entry into force of the Convention for each country, https://www.ramsar.org/sites/default/files/documents/library/annotated_contracting_parties_list_e.pdf (accessed 23 August 2023).

[9] Ramsar Convention Secretariat (2016), p. 8.

[10] Ramsar Convention Secretariat (2013), p. 6.

[11] The Convention on Wetlands and Its Mission, https://www.ramsar.org/about/the-convention-on-wetlands-and-its-mission (accessed 23 August 2023).

[12] Chowdhury et al. (2014), p. 227.

[13] Ramsar Convention Secretariat (2013), p. 1.

[14] Ibid.

including areas of marine water the depth of which at low tide does not exceed six meters.[15]

The concept of the 'wise use' of wetlands is central to the Ramsar Convention. It refers to the sustainable use and management of wetlands in a manner that maintains their ecological character while also meeting the needs of people for food, water, and other resources.[16] This definition indicates that the wise use of wetlands does not solely involve conservation and environmental protection but also involves important social and economic dimensions.[17] The concept of wise use recognises that human activities can have an impact on wetland ecosystems and that sustainable use and management practices are necessary to minimise these impacts and maintain the ecological integrity of wetlands.[18]

To promote the wise use of wetlands, Article 3 of the Ramsar Convention requires the Parties to undertake measures for protecting wetlands in their territories.[19] Those measures include designating wetlands as Ramsar Sites, establishing wetland protection areas, promoting research and training in wetlands management, and developing and implementing national wetland policies and strategies.

2.2 Listing Techniques

Although the central goal of the Ramsar Convention is to promote the wise use of all wetlands, the 'flagship' of the Convention is the List of Wetlands of International Importance ('Ramsar List').[20] To date, the Ramsar List includes more than 2400 wetlands designated by the Parties for special protection as Ramsar Sites, and these wetlands represent an area exceeding the size of the surface area of France, Germany, Spain, Italy, and Switzerland combined.[21] These sites include a wide range of wetland types, such as lakes, rivers, marshes, peatlands, and coral reefs.[22] Two listing systems within the Convention are the Ramsar List and the Montreux Record. This section explores the procedures, duties, and benefits associated with these listing systems.

2.2.1 Ramsar List: Procedures, Duties, and Benefits

The designation of a Ramsar Site is a recognition of a wetland's ecological, cultural, and socio-economic value and triggers the obligation of the Parties to conserve and manage it sustainably.[23] The identification and designation of a Ramsar Site are

[15] Ramsar Convention, Art. 1.1.

[16] Ramsar Convention Secretariat (2010), p. 8.

[17] Ibid., p. 18.

[18] Ramsar Convention Secretariat (2010), p. 11.

[19] Ramsar Convention, Art. 3.

[20] Ramsar Convention Secretariat (2013), p. 1.

[21] Ibid.

[22] 'Ramsar Sites Information Service', https://rsis.ramsar.org/?pagetab=2 (accessed 23 April 2023).

[23] Ramsar Convention Secretariat (2010), p. 41.

based on a set of criteria and guidelines that consider the ecological, cultural, and socio-economic values of the proposed site.[24] Pursuant to Article 2.2 of the Ramsar Convention, wetlands should be selected for the List on account of their international significance in terms of 'ecology, botany, zoology, limnology or hydrology'; the Article further indicates that 'in the first instance, wetlands of international importance to waterfowl at any season should be included'.[25]

Upon joining the Convention, each Contracting Party commits to designate at least one site for inclusion on the Ramsar List.[26] In order to list a site, a Party must submit a completed Ramsar Information Sheet to the Ramsar Secretariat[27] that describes in detail the relevant information concerning the proposed Ramsar Site.[28] After reviewing the submission, the Ramsar Secretariat includes the site on the Ramsar List.[29] The designation of wetlands for the Ramsar List involves direct communication between the Contracting Parties and the Ramsar Secretariat.[30] Notably, the designation of Ramsar Sites is unilateral and is *not* subject to approval.[31] This suggests that the determination of whether designated sites fully meet the conservation standards specified in the Ramsar Convention is not subject to a strict review mechanism. By contrast, clear procedures are in place for adding properties to the World Heritage List under the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage ('World Heritage Convention') where the final decision to include a property on the World Heritage List is made by the World Heritage Committee.[32] Under this process, a property may not be included on the list at all if it is rejected by the World Heritage Committee.[33]

In general, the Contracting Party has the responsibility to report on the implementation of the Convention within its territories by submitting triennial National Reports.[34] The Parties are also expected to report any changes or threats to the ecological character of their listed wetlands to the Ramsar Secretariat and to respond to the Ramsar Secretariat's inquiries about such reports received from third parties.[35] A Ramsar designation can help to raise awareness of a wetland's ecological and cultural values and can provide a basis for tourism and recreational activities.[36] In addition, it also provides access to expert advice on national and site-related problems

[24] Ramsar Regional Center – East Asia (2017), Section D1.

[25] Ramsar Convention, Art. 2.2.

[26] Ramsar Convention Secretariat (2013), p. 42.

[27] Ibid., p. 52.

[28] Ibid., p. 42.

[29] Ibid.

[30] Ibid.

[31] Louka (2006), p. 322.

[32] World Heritage Committee (2021), para. 155.

[33] Ibid., para. 158.

[34] Ramsar Secretariat (2013), p. 42.

[35] Ramsar Convention, Art. 3.2.

[36] 'Ramsar Designation Brings Benefits for Communities', https://wwf.panda.org/wwf_news/?205514/Ramsar-designation-brings-benefits-for-communities (accessed 23 August 2023).

of wetlands conservation and management through contacts with the Ramsar Secretariat's personnel and collaborators.[37]

2.2.2 Montreux Record: Procedures, Duties, and Benefits

In addition to the Ramsar List is the Montreux Record, which is maintained by the Ramsar Secretariat as part of the Ramsar List. The Montreux Record is for '[wetlands] where an adverse change in ecological character has occurred, is occurring, or is likely to occur, and which are therefore in need of priority conservation attention'.[38] In short, the Montreux Record is a list of Ramsar Sites requiring priority conservation attention. The creation of the Montreux Record provides flexibility for the States, the Convention Parties, and the international community to provide extra attention to and measures for Ramsar Sites that require enhanced protection.[39]

The Montreux Record is a *voluntary* tool available to Contracting Parties for designating Ramsar Sites facing adverse changes. A Contracting Party may propose the addition of a site to the Montreux Record.[40] Alternatively, if the Convention Bureau receives information about a potential adverse change from partner organisations, other international or national non-governmental organisations (NGOs), or other concerned entities, it may inform the relevant Contracting Party and inquire whether a Ramsar Site should be considered for inclusion in the Montreux Record.[41] Ultimately, the inclusion of a site in the Record requires the consent of the Contracting Party responsible for the wetland in question.

The voluntary nature of the Montreux Record differentiates it from the World Heritage Convention's listing techniques. The World Heritage Convention provides that if a site is found to be endangered, the World Heritage Committee has the authority to include it on the List of World Heritage in Danger ('Danger List') and initiate measures to address the risks.[42] More importantly, the World Heritage Committee can add a property to the Danger List even *without* the consent of the State Party when necessary.[43] This demonstrates that the COP to the Ramsar Convention does not possess the same level of authority and initiative to preserve wetlands under threat, especially if doing so would go against the wishes of the State. Such a design provides the States with the discretion to abstain from cooperation, even where a site may be significantly impacted by circumstances such as armed conflict.

After a site has been added to the Montreux Record, under the triennial National Reports framework, the Contracting Party is required to submit a report to the Convention Bureau detailing the conservation status of the sites listed in the Record.[44]

[37] Ramsar Secretariat (2013), p. 42.

[38] Recommendation 4.8, Change in ecological character of Ramsar Sites (1990), https://www.ramsar.org/sites/default/files/documents/library/key_rec_4.08e.pdf (accessed 23 August 2023).

[39] Ramsar Convention Secretariat (2016), p. 48.

[40] Ramsar Convention Secretariat (1996), Art. 3.2.1.

[41] Ibid.

[42] World Heritage Committee (2021), para. 9.

[43] World Heritage Committee (2021), p. 51.

[44] Ramsar Convention Secretariat (1996), Art. 3.2.6.

Further, Article 3.2 of the Convention commits the Contracting Parties to make themselves aware of potential changes to the ecological character of listed sites and to report these to the Ramsar Secretariat promptly.

The inclusion of a wetland in the Montreux Record affords the Contracting Party designating it with priority access to the Ramsar Advisory Mission (RAM) mechanism.[45] The RAM is a technical assistance mechanism through which a Contracting Party may request expert advice about how to respond to threats to the ecological character of a Ramsar Site and associated wetland issues.[46] The RAM mechanism typically involves a site visit by a team of experts, coordinated by the Secretariat, who assess the problems, discuss them with the stakeholders, and prepare a report and recommendations.[47]

2.3 Modifying Lists: Unilateral Rights of States

Under the framework of the Ramsar Convention, States have the unilateral right to modify the Ramsar Sites that they have previously listed. This right also applies to modifying the Montreux Record. Pursuant to Article 2.4, each Contracting Party that has ratified the Ramsar Convention has the authority to modify the Ramsar List in three ways: (1) by adding new wetlands located within its jurisdiction, (2) by expanding the boundaries of wetlands already on the List, or (3) by removing or limiting the boundaries of wetlands previously included on the List due to *urgent national interests*. This is referred to as the 'unilateral right of States' to modify the List.[48] This unilateral right to modify the Ramsar List leaves little room for input from third-party States and treaty bodies, as it is entirely up to the State whether to make such a modification.[49] The use of 'urgent national interests' has, in particular, left extensive room for interpretations in favour of reducing the obligation to preserve wetlands in times of armed conflict, and this issue is addressed in detail in Sect. 3.2.

3 Ramsar Convention in the Context of Environmental Impacts on Wetlands from Armed Conflict

The presence of an armed conflict presents challenges to both the applicability of multilateral environmental agreements during such times and the conservation goals they aim to achieve. To begin with, this section starts with a discussion of the applicability of the Ramsar Convention during armed conflict. Subsequently, it briefly touches upon the role of international humanitarian law (IHL), which governs

[45] Gardner et al. (2018), p. 2.

[46] Ibid.

[47] Ibid.

[48] Dupuy and Viñuales (2018), p. 223.

[49] Ibid.

situations of armed conflict, and its provisions and principles in safeguarding wetlands.[50] Crucially, this section conducts an in-depth examination of two mechanisms discussed earlier: the 'urgent national interests' provision and the Montreux Record. These mechanisms are critical in addressing the challenges posed by armed conflict. The analysis addresses the effectiveness of these mechanisms and the potential obstacles that might hinder them from being leveraged.

3.1 The Applicability of the Ramsar Convention in Times of Armed Conflict

The text of the Ramsar Convention does not specify its applicability in times of armed conflict, but a potential inference regarding this context can be drawn from one of its provisions. The provision concerning 'urgent national interests' within the Ramsar Convention grants a Party the authority to 'delete or restrict the boundaries of wetlands already included by it on the List due to urgent national interests'. Although it is somewhat vague, the phrase 'urgent national interests' might suggest the applicability of the Convention during armed conflict.[51]

The discussion of the applicability of the Ramsar Convention during armed conflict can also be facilitated by the ILC 'Draft Article on the Effect of Armed Conflict on Treaties' ('Draft Article'). A key provision of the Draft Article is that, without a specific indication in the treaty, 'armed conflict does not *ipso facto* terminate or suspend the operation of treaties between belligerents or with third States'.[52] Further, with respect to the applicability of multilateral environmental agreements, the ILC concludes that there is 'general and indirect support' for the notion that environmental treaties apply in the case of armed conflict.[53]

Although this article primarily focuses on the preservation of wetlands under environmental treaties during armed conflict, it is vital to recognize that IHL plays a significant role in protecting the natural environment. IHL incorporates environmental considerations in several forms.[54] First, the Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD) prohibits the use of environmental modification techniques as a means of warfare.[55] The Russia–Ukraine conflict, which mainly involves military impacts on wetlands instead of manipulating wetlands as a means of warfare, does not fall within the scope of the ENMOD, and therefore, two specific provisions within the 1977 Protocol I to the Geneva Conventions (Additional Protocol I), namely Articles 35.3 and 55, are more relevant to the present analysis.

Article 35.3 of Additional Protocol I states that 'it is prohibited to employ methods or means of warfare which are intended, or may be expected, to cause

[50] Given that this article primarily focuses on the preservation of Ukrainian wetlands in a time of armed conflict from the perspective of environmental law, with a particular focus on the Ramsar Convention, the exploration of IHL in this context is not exhaustive.

[51] Bothe et al. (2010), p. 582.

[52] International Law Commission (2011), Art. 3.

[53] Ibid., Annex (G).

[54] Dupuy and Viñuales (2018), p. 413.

[55] ENMOD (1976), Art. I.

widespread, long-term and severe damage to the natural environment'. The identical term is used by Article 55.1 of Additional Protocol I. However, it is widely acknowledged that the criteria of 'widespread, long-term, and severe' damage, as specified in Articles 35.3 and 55, set a threshold that is exceedingly high and, in practice, offer negligible to no safeguards for the natural environment.[56] Several general principles of IHL also incorporate specific environmental considerations. A study conducted by the International Committee of the Red Cross (ICRC) revealed that these general principles, including distinguishing between military and non-military targets, military necessity, and the principle of proportionality, encompass elements that are relevant to the protection of the environment during armed conflict.[57] However, whether and how these principles can be interpreted and clarified in practical situations remain unanswered.[58]

3.2 'Urgent National Interests' Provision: Derogation from Environmental Protection

Pursuant to Article 2.5 of the Ramsar Convention, Contracting Parties are permitted to alter the boundaries of protected wetlands or delete wetlands from the Ramsar List in the event of an urgent national interest. Because of the vagueness of the 'urgent national interests' provision and the authority it grants to states to delist their Ramsar Sites, the 8th Conference of the Parties (COP8) of the Ramsar Convention adopted general guidance for interpreting 'urgent national interests' under Article 2.5 ('General Guidance' or 'Guidance') in 2002.[59] This Guidance was intended to provide clarity on the interpretation of this provision.

A Contracting Party is encouraged to consider the General Guidance when exercising its discretion under Article 2.5 and to consider compensation in those cases where the boundaries of sites included in the Ramsar List are to be restricted or a Ramsar Site is to be deleted from the List.[60] Further, the General Guidance provides a statement affirming that it is in line with Article 2.3 of the Convention, which provides that 'the inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated'.[61]

The Guidance also describes various factors that a State may take into consideration when deleting a wetland from the Ramsar List or restricting its boundaries due to national interests.[62] These factors include the national benefits of preserving the wetland system; consistency with national policies; the urgency of averting a significant threat; the existing ecological, social, and economic values of the site; and

[56] Mrema et al. (2009), p. 11.

[57] Henckaert and Doswald-Beck (2007), Rules 43, 44, 45.

[58] Bothe et al. (2010), p. 576.

[59] Ramsar Resolution VIII.20 (2002), General guidance for interpreting 'urgent national interests' under Article 2.5 of the Convention and considering compensation under Article 4.2, https://www.ramsar.org/sites/default/files/documents/pdf/res/key_res_viii_20_e.pdf (accessed 13 November 2023).

[60] Ibid., p. 1.

[61] Ibid., p. 1.

[62] Ibid., p. 3.

the impact on habitats harbouring threatened or endangered species.[63] The Guidance also calls for compensatory measures to be adopted based on various factors if a revision were to take place.[64]

According to the Guidance, the interpretation of 'urgent national interests' is left completely up to the Contracting Party. The Guidance may assist the Contracting Party in interpreting this provision and may be used at its discretion. As a result, this design provides States with an opportunity to avoid their conservation obligations in times of armed conflict if they choose to do so.

From a military standpoint, the outbreak of hostilities could easily lead to the drainage of wetlands because wetlands are not conducive to tank movements or military operations.[65] Moreover, employing water or water-related infrastructure as a tactical tool (e.g. destroying dams or reservoirs) can result in abrupt alterations in water flow, further contributing to the degradation of wetlands.[66] When coupled with the reallocation of financial resources towards military and humanitarian needs, a possibility is that a State might invoke the 'urgent national interests' provision to evade its responsibility for wetlands conservation.

By granting Contracting Parties the flexibility to revise their listed sites or to withdraw them from the Ramsar List in the case of pressing national interests, the Convention incentivised more States to join the Convention while assuring them that they could make independent choices without compromising their vital national interests. However, this provision may be exploited by States to evade their environmental protection commitments, thus jeopardising the protection of wetlands upon the outbreak of hostilities.

3.3 Montreux Record: Limited State Engagement

The Montreux Record is a list of wetland sites that have experienced or are likely to experience changes in their ecological character due to human interference.[67] It is part of the Ramsar List, and its purpose is to identify priority sites for positive national and international conservation attention.[68] As we addressed earlier, during armed conflict wetlands can be negatively impacted in various ways. To address this situation, the Montreux Record represents a crucial tool to draw attention to wetlands that are in need of extra help and conservation efforts. Moreover, the Montreux Record can assist in garnering positive conservation attention from national and international entities, which can help to support the conservation and rehabilitation of wetlands both during and after the conflict.

Nonetheless, the limited involvement of States with the Montreux Record in relation to armed conflict is a notable issue. Having analysed the data concerning

[63] Ibid., p. 3.

[64] Ibid., pp. 3–4.

[65] Grimes et al. (2023), p. 4.

[66] Mundy (2022).

[67] Ramsar Convention Secretariat (2016), p. 48.

[68] Ibid.

Ramsar Sites added to the Montreux Record between 1993 and 2018, one article highlighted how the majority of inclusions were driven by agricultural and/or other developmental issues linked to pollution and urban expansion.[69] Remarkably, only a mere 1% of the listings in the Montreux Record were attributed to the explicit reason of a 'conflict'.[70]

In fact, there is generally low engagement with the Montreux Record by States.[71] The generally low participation by States in listing sites in the Record also helps to explain the relatively few instances of Ramsar Sites being included in the Montreux Record due to armed conflict. One problem is the misconception that being included in the Montreux Record is a form of publicly shaming or blaming a State.[72] Inclusion in the Record might be considered a form of additional accountability and represent a source of shame for the domestic implementation arrangements in place (or not in place, as the case may be). As a result, some sites that should be included in the Montreux Record have been omitted because of concerns that being included would be embarrassing.[73] The additional form of accountability or the shame for a State that has not sufficiently implemented conservation measures domestically impedes some of the attempts at inclusion.

That the Montreux Record is a voluntary mechanism represents another obstacle to enforcing sufficient conservation measures for Ramsar Sites experiencing changes in their ecological character. The final decision to list a Ramsar Site in the Montreux Record is entirely up to the States themselves. The Ramsar Convention, of which the Montreux Record is a part, is not a regulatory regime with punitive sanctions.[74] The Ramsar Convention instead adopts a regulatory approach that can be described as 'soft law', aiming to accomplish its objectives through cooperative research, information sharing, the promotion of best practices, and the provision of technical assistance.[75] Some scholars even argue that the Ramsar Convention can be set apart from modern multilateral environmental agreements in the absence of a formal compliance procedure.[76] Therefore, it is impossible to include a State's wetlands in the Montreux Record against that State's wishes, even if the wetlands in question require additional conservation efforts.

Besides the misconceptions concerning the Record and the voluntary nature of listings, the process of adding a wetland to the Montreux Record is particularly difficult in times of armed conflict. The procedures for listing are designed to be thorough and consultative, which means that the process is normally lengthy and requires information and assessment; thus, the process is highly difficult during

[69] Hamman et al. (2019), p. 8.

[70] Ibid.

[71] The assertion of 'low engagement' with the Montreux Record is supported by two references. See Pritchard (2014), p. 2, who states, 'Parties are generally displaying limited enthusiasm for the Montreux Record, and it has seen little use in recent years'. Also see Hamman et al. (2019), pp. 13, 15, and 18.

[72] Scientific and Technical Review Panel (2018), p. 16.

[73] Ibid.

[74] Gallo-Cajiao (2014), p. 9.

[75] Hey (2021).

[76] Ibid.

armed conflict. In times of armed conflict, especially where wetlands are in need of extra protection because of occupation by another party to the conflict, it is almost impossible to gather accurate and sufficient information through on-site assessments of occupied wetlands. Without such information, it is difficult to pass the review phase, which involves a more detailed assessment of the wetland's ecological and cultural values and the threats it faces.

One of the major benefits of a Ramsar Site being listed in the Montreux Record is the application of the RAM mechanism, but this mechanism can hardly function during armed conflict. The RAM mechanism serves as a technical support system allowing a Contracting Party to seek expert guidance to address challenges related to the ecological characteristics of a Ramsar Site and related wetland matters.[77] It involves convening a team of experts with diverse nationalities and disciplines.[78] A RAM can only be initiated at the request of a Contracting Party,[79] and it should not be confused with a compliance mechanism or a disciplinary process.[80]

A RAM typically involves a team of experts conducting a site visit and subsequently preparing a draft report containing recommendations.[81] Such visits, when encountering obstacles imposed by armed conflict, such as instability and security concerns, can be challenging or impossible. In addition, RAMs usually involve a substantial planning phase before implementation. As a result, the RAM mechanism is better suited for addressing more intricate, longer-term issues rather than providing a swift response to safeguard Ramsar Sites experiencing rapid ecological changes during an active armed conflict.[82] In this context, the process of including a site in the Montreux Record, along with the associated technical support that this entails, might be better suited to the restoration of wetlands in the *aftermath* of armed conflict.

In summary, the Montreux Record may be a useful approach for Contracting Parties in specific situations. However, it is uncertain whether listing in the Montreux Record represents a practical approach to safeguarding wetlands that are at risk during an active armed conflict. Given the characteristics of the Montreux Record, listing in the Record and associated mechanisms may be more effectively deployed after the armed conflict has ended in order to draw attention to the site and promote conservation efforts at the national and international levels.

[77] Gardner et al. (2018), p. 1.

[78] Ibid.

[79] Ibid.

[80] Ibid.

[81] Ibid., p. 4.

[82] Ibid.

4 Environmental Impact of the Russia–Ukraine Conflict on Ukrainian Ramsar Sites

The Russia–Ukraine conflict has had a significant environmental impact, particularly on Ukrainian Ramsar Sites. These wetland ecosystems, known for their ecological significance and critical services to both humans and wildlife, have been subject to various forms of damage and disruption as a result of the ongoing armed conflict. This section of the article provides an overview of the environmental consequences of the armed conflict for Ukrainian wetlands and the challenges faced when attempting to conduct environmental assessments during an active armed conflict.

4.1 Assessment of the Environmental Damage to Ukrainian Ramsar Sites

Ukrainian Ramsar Sites, which include marshes, swamps, peatlands, and coastal zones, provide vital ecosystem functions such as storm and flood buffering, water filtration, carbon sequestration, nutrient cycling, and support for diverse plant and animal species.[83] Efforts to assess the environmental damage inflicted upon Ukrainian Ramsar Sites in the wake of the Russia–Ukraine conflict are crucial to understanding the extent and severity of the ecological impact of the conflict.

The document provided by the Ramsar Secretariat concerning the implementation of the Resolution offers insights into the environmental damage caused to Ukrainian Ramsar Sites by the current conflict.[84] According to this update, wetlands in Ukraine are facing various adverse effects.

First, the wetlands in Ukraine may experience direct damage due to activities such as the movement of vehicles and shelling, leading to the destruction of vegetation and a possible deterioration of soil quality and structure.[85] Second, projectiles and shell casings are forms of pollution that may contain harmful substances such as lead and depleted uranium, posing a threat to ecosystems and species.[86] In addition, pollution from hydrocarbon and chemical spills is a threat.[87] These pollutants can have both immediate and long-term effects on biota, as they persist within the ecosystem for some time.[88] Third, potential impacts on wildlife include elevated mortality rates from direct impacts, the destruction of natural habitat, the risk of ingesting shells, shell casings, or fragments thereof, especially by bird species, as well as noise pollution.[89]

Lastly, the assessment by the Ramsar Secretariat also described how the sudden removal of dams or other substantial modifications to water flows can have

[83] Grimes et al. (2023), p. 1.

[84] Ramsar Convention Secretariat (2023), pp. 2–3.

[85] Ibid., p. 3.

[86] Ibid.

[87] Ibid.

[88] Ibid., p. 2.

[89] Ibid., p. 3.

profoundly detrimental effects on sediment dynamics, species, and habitats.[90] For instance, the blowing up of the Kakhovka Dam illustrated how the sudden release of floodwaters can cause the loss and modification of wetlands, riparian zones, and floodplains.[91] The Joint Analytical Note released by the UN Country Team in Ukraine specifically noted how this dramatic situation significantly impacted several Ramsar wetland sites.[92] The breeding grounds for protected bird species and the spawning areas for fish, particularly within the Kakhovka Reservoir, have been significantly and adversely affected, leading to substantial losses.[93] Further, many Ukrainian wetlands cross international borders, thus entailing a high risk of transboundary harm, including altered water and sediment flows, as well as pollution.[94]

The statements presented by the Ukrainian delegation during the 59th Meeting of the Standing Committee and the COP14 of the Ramsar Convention offer some perspectives on the environmental consequences arising from the current conflict.[95] These statements described how Russia's aggression against Ukraine has impacted its wetlands, the Ramsar Sites in particular. Since February 2022, 13 Ramsar Sites in the South and East of Ukraine have been occupied by Russia and used for military activities.[96] All of these wetlands are critical for the migration and breeding activities of birds.[97] In addition, the coastal areas of the Odesa and Mykolaiv regions, encompassing 5 Ramsar Sites along the Black Sea, have been endangered by the bombardment conducted by Russian ships.[98] Furthermore, a Ramsar Site located in the Sumy region, situated on the Northern border with Russia, is at risk from continual military activities.[99] Seven Ramsar Sites are located close to the border with the Republic of Belarus, which is being utilised as a military staging ground by Russian forces for launching missile attacks on Eastern and Northern regions of Ukraine.[100] In total, 17 Ramsar Sites are now fully occupied by the Russian Federation, and 14 sites are under threat from the extension of military activities and occupation.[101]

Due to the conflict, approximately one-third of Ukrainian wetlands have been either occupied or adversely impacted.[102] It is estimated that roughly 600,000

[90] Ibid.

[91] Nguyen (2023).

[92] UN RC/HC Ukraine (2023), p. 2.

[93] Ibid.

[94] Ramsar Convention Secretariat (2023), p. 3.

[95] The author acknowledges that the statements provided by the Ukrainian Government might, to some extent, lack independence and impartiality. However, as addressed in Sect. 4.2, conducting on-site environmental assessments during an active armed conflict poses significant challenges, thus limiting the information available regarding the environmental impact on Ukrainian Ramsar Sites. Given the scarcity of sources, these statements have been selected to provide information concerning the environmental damage.

[96] Ramsar Convention Secretariat (2022a), p. 29.

[97] Ibid.

[98] Ibid.

[99] Ibid.

[100] Ibid.

[101] Ibid., p. 32.

[102] Ramsar Convention Secretariat (2022b), p. 62.

hectares of land have suffered damage, including exceptionally valuable bird habitats such as Dzharylgatsky Bay, the Shagany–Alibey–Burnas lake system, and the Perebrody peatland, which are at risk from direct military action.[103] The timing of Russia's invasion of Ukraine unfortunately aligned with the nesting season of various bird species that have protected status at the regional, national, and international levels.[104] As such, the military operations caused an even more significant disruption, resulting in a decline in nesting success for these particular species.[105] Furthermore, extensive fires that have occurred in nesting areas have led to the loss of both nestlings and young bird populations.[106] Due to the ongoing conflict, the Ukrainian authorities have limited access to the wetlands that are under occupation, which makes it extremely difficult to protect, restore, and sustainably use them, as required by the Ramsar Convention.[107] Many scientists responsible for the Ukrainian Ramsar Sites in the occupied territories had to flee their homes, and the collection of scientific data and monitoring activities came to an end.[108]

4.2 Challenges of Conducting Environmental Assessments during Active Armed Conflict

Among the three phases of warfare ecology—namely, before, during, and after an armed conflict, the active conflict period poses the highest level of risk to wetland habitats.[109] Nevertheless, conducting environmental assessments during an active armed conflict is considerably challenging. Although assessments and relevant findings regarding wetlands and the environmental aspects of the Russia–Ukraine conflict have been made, the conflict has been a major impediment to intensive study. In this light, we can seek to understand how these assessment challenges generally hamper multilateral environmental agreements from being further implemented with respect to the affected wetlands. This section of the discussion thus aims to provide a concise overview of the three major methodologies employed for assessing affected wetlands—namely, on-site assessments, remote sensing, and using the results and experiences of other areas to gain insights into the current conflict.

On-site assessments are widely used to survey environmental conditions but are difficult to conduct during an active armed conflict. Due to security concerns, such as the risk from the extensive use of mines, assessment teams struggle to access wetlands directly and collect data through field observations. The presence of armed groups and the risk of violence might further hinder the ability to conduct comprehensive on-site assessments as well. Capacity constraints due to armed conflict, such as those involving human capacity or technical support, also make it difficult

[103] Ibid.

[104] Ibid.

[105] Ibid.

[106] Ibid.

[107] Ramsar Convention Secretariat (2022a), p. 32.

[108] Ibid., p. 30.

[109] Grimes et al. (2023), p. 3.

to examine the status of various ecological components in damaged wetlands. Due to this great difficulty, none of the assessments conducted to date that have focused on the environmental aspects of the armed conflict in Ukraine have utilised on-site assessments as the predominant means of data collection for wetland-related findings.[110]

Given the limitations and risks associated with on-site assessments, remote sensing techniques are crucial for collecting information. Satellite imagery, aerial surveys, and other remote sensing technologies can provide valuable insights into the environmental conditions of a conflict zone.[111] Several articles and incident reports from various organisations have been based on using remote sensing methodology to evaluate the negative impact of warfare on the Ukrainian environment.[112] However, for the environmental assessment of wetlands, certain critical ecological indicators such as the presence of animal communities and species and soil biology can hardly be accessed through remote sensing.[113] Thus, although remote sensing can be a valuable tool for gathering information, it has its limitations when it is applied to assess ecological changes in wetlands due to armed conflict.

Extrapolating from the results and experiences of other areas to gain insights into the current conflict is another option for preparing environmental assessments of Ukrainian Ramsar Sites. For instance, the observed and measured impacts on wetland ecosystems in comparable conflict zones can serve as a reference for estimating the effects of conflict on Ukraine's Ramsar Sites.[114] In fact, due to the challenges posed by an active armed conflict, so far, extrapolations from the results and experiences of other areas have been the most used source of information for assessing the environmental impact of the Russia–Ukraine conflict.[115] However, the applicability of such information may be constrained by the availability of studies examining conflict-induced environmental damage in situations similar to Ukraine (i.e. matching factors such as the scale and nature of the conflict is necessary, as well as matching the specific type of wetland ecosystems affected).

A United Nations Environment Programme (UNEP) preliminary report addressing the environmental impact of the armed conflict in Ukraine acknowledges the difficulties associated with using literature reviews as a means of assessing the ongoing conflict and its specific impact on water resources.[116] The report highlights that the focal areas of studies conducted in such a manner, although sharing certain similarities with the ongoing conflict areas in terms of impacts on energy and water

[110] See Annex 2 of the Ramsar Convention Secretariat (2023). This Annex contains a compilation of discoveries pertaining to wetlands included in assessments related to the environmental aspects of the conflict in Ukraine. None of the research relied primarily on on-site assessments as its main research method.

[111] Ramsar Convention Secretariat (2023), p. 3.

[112] See USAID and JICA (2022); Serhii et al. (2022).

[113] Ramsar Convention Secretariat (2023), p. 3.

[114] Ibid.

[115] See UNEP (2022); OECD (2022); Shumilova et al. (2023).

[116] UNEP (2022), Executive Summary.

infrastructure, differ in terms of the scale and complexity of the ecological harm.[117] The UNEP report also outlines the challenges associated with conducting environmental assessments during an active armed conflict. These impediments include operational difficulties, the interplay between various industries and land use, limited transparency regarding the types and composition of munitions and military vehicles involved, and the breakdown of even the most fundamental environmental monitoring systems.[118]

5 Analysis of the Ramsar Resolution Concerning the Impact of the Russia–Ukraine Conflict on Ukrainian Wetlands

In the context of the Russia–Ukraine conflict, the COP to the Ramsar Convention adopted the Ramsar Resolution XIV.20 in November 2022 as a direct response to the ongoing conflict, which has involved the destruction of multiple Ramsar Sites in Ukraine.[119]

Typically, a draft resolution is submitted to the Ramsar Convention Secretariat by a Contracting Party at least 60 days before the opening of the Standing Committee meeting at which documents submitted for consideration by the COP are approved.[120] The agenda for each COP meeting includes various occasions for presenting and discussing both ongoing and emerging matters relevant to wetlands conservation. These issues are considered and discussed in the plenary sessions, typically leading to the adoption of resolutions.[121]

The precise legal status of the resolutions adopted by the COP to the Ramsar Convention is not explicitly characterised by the official documents of the Convention. The text of Article 6.2(f) of the Ramsar Convention only states that the COP shall be competent to adopt resolutions to promote the function of the Convention. The research handbook released by the Secretariat elaborates that, in general, resolutions adopted by the COP to the Ramsar Convention do not have the same legal force as commitments specified in the Convention text itself.[122] Rather, these resolutions allow the Contracting Parties to further expound their interpretation of their responsibilities concerning certain issues.[123]

In the context of the Russia–Ukraine conflict, despite both Russia and Ukraine being Contracting Parties to the Ramsar Convention, no actions have been initiated by utilising the two mechanisms available under the legal framework of the Convention. Neither party has removed its wetlands from the Ramsar List or changed its boundaries due to ‘urgent national interests’. Ukraine has not proposed to include the conflict-affected Ramsar Sites in the Montreux Record, nor has it requested

[117] Ibid., Executive Summary.

[118] Ibid.

[119] Ramsar Convention Secretariat (2022b).

[120] Ramsar Convention Secretariat (2015), Rule 34(1).

[121] Ramsar Convention Secretariat (2013), p. 32.

[122] Ibid., p. 42.

[123] Ibid.

insights from a RAM. This provides further evidence of the challenge of employing these mechanisms during times of armed conflict.

In this light, this section considers the adoption of the Resolution as a potential new mechanism within the Ramsar Convention for reacting to the impact of armed conflict on Ramsar Sites. By comparing this new approach with the previous mechanisms available ('urgent national interests' and the Montreux Record) in the Ramsar Convention, this section provides an insight into the potential and limitations of the Resolution in wetlands conservation during armed conflict.

5.1 Resolution Adopted with a Vote

Before addressing the substantive content of the Resolution, an unconventional aspect of how the Resolution was adopted deserves to be mentioned. The Ramsar Convention is consistent with that of other UN frameworks, meaning that the majority of proposals are adopted by consensus.[124] However, the Resolution addressing the protection of Ukrainian wetlands was adopted by a vote.[125] There is a voting procedure stipulated in the Ramsar Convention and 'Rules of Procedure' for voting by the Parties. According to Rule 39.1 of the Rules of Procedure, the Contracting Parties present and voting shall make every effort to reach an agreement on all matters of substance through consensus.[126] If all efforts to reach a consensus have been exhausted and no agreement has been reached, the decision shall be made, as a last resort, by taking a simple majority vote of the Contracting Parties.[127] This is exactly the situation concerning the Resolution—significant disparities among the viewpoints of the Parties made reaching an agreement by consensus impossible.

Before the President of the COP14 proposed resorting to a vote,[128] efforts had been made to achieve agreement by consensus on this Resolution. In early discussions of the draft resolution, the President of the COP had acknowledged the sensitive nature of the matter and had noted a request from the Russian Federation for sufficient time to review the draft resolution.[129] At a later stage, the perspectives expressed by various State Parties were significantly divergent. The President of the COP14 acknowledged the divergence and invoked Rule 39.1 of the Rules of Procedure.[130] The President invited interested Parties to undertake informal consultations and to report back to the plenary in order to reach a decision on how to proceed.[131] Several State Parties such as Ukraine and the Member States of the EU also called

[124] Ramsar Convention Secretariat (2022b), para. 279.

[125] Ibid., para. 352.

[126] Ramsar Convention Secretariat (2015), Art. 29.1.

[127] Ibid.

[128] Ramsar Convention Secretariat (2022b), para. 126. The President of the COP is responsible for presiding over COP meetings, maintaining order, and proposing measures such as limiting speaking time and closing debates. The President is elected at the beginning of each ordinary meeting and serves until the next ordinary meeting. See Ramsar Rules of Procedure, Rules 21, 22.

[129] Ibid.

[130] Ibid., para. 241.

[131] Ibid.

upon the Parties to support the adoption of the draft resolution by consensus.[132] Nevertheless, the views expressed by State Parties remained notably varied, and the situation was again acknowledged by the President of the COP14.[133] Therefore, following advice from the Legal Advisor to the Secretariat of the Ramsar Convention, the President proposed to proceed to a vote.[134] Eventually, with a vote of 50 in favour, 7 against, and 49 abstentions, the draft resolution concerning Ukrainian wetlands conservation in document COP14 Doc.18.24 Rev.2 was adopted.[135]

5.2 Proposed Measures in the Resolution: Perspectives of Ukraine and Russia

5.2.1 Measures for Ukraine

In terms of measures directly related to Ukraine, the Resolution addressed three such measures. It first requested the Secretariat of the Ramsar Convention to coordinate with the Contracting Parties and relevant national and international organisations to conduct assessments of the Ramsar Sites in Ukraine affected by the Russian Federation's aggression.[136] Second, the Ramsar Secretariat was also requested to provide a report on the assessed damage and mitigation measures to the COP15, as well as to provide updates on the implementation of the Resolution to all intervening meetings of the Standing Committee.[137] Third, the Resolution invited the Contracting Parties to provide support and financial contributions, on a voluntary basis, to the Government of Ukraine to conduct assessments of the damage caused to the Ramsar Sites in Ukraine by the Russian Federation's aggression.[138] It also encouraged the Contracting Parties to provide assistance to Ukraine for restoration activities of its Ramsar Sites in coordination with the Secretariat of the Convention.[139]

5.2.2 Measures for Russia

Regarding measures concerning Russia, the Resolution starts by condemning the environmental damage caused by its aggression and demands that the nation respects its obligations under the Ramsar Convention, including withdrawing its military forces from Ramsar Sites within Ukraine and refraining from further damaging them.[140] Furthermore, due to the damage and potential harm that Russia's

[132] Ibid., paras. 273, 274.

[133] Ibid., para. 279.

[134] Ibid., para. 279.

[135] Ibid., para. 352.

[136] Ramsar Resolution XIV.20 (2022), para. 18. The introduction of the term 'aggression' in the Resolution has elicited a range of reactions from the Contracting Parties, with some arguing that it lies beyond the mandate of the Convention. A further exploration of this matter can be found in Sect. 5.2.2, which discusses the weaknesses of the Resolution.

[137] Ibid.

[138] Ibid., para. 19.

[139] Ibid.

[140] Ibid., para. 15.

invasion of Ukraine has caused to Ramsar Sites in Ukraine, the Resolution strongly encourages the Contracting Parties to consider the actions of the Russian Federation when making decisions regarding leadership positions, working groups, and events related to the Ramsar Convention.[141] Critically, the Ramsar Convention lacks a regulatory framework and it does not incorporate punitive measures. Consequently, the Convention does not provide a mechanism to suspend Russia from engaging in events associated with the Convention. Furthermore, the Resolution emphasises that when States undertake such determinations, they must ensure that the best interests of the Convention and the preservation of wetlands remain unaffected.[142] Moreover, it requests that the Contracting Parties consider exerting pressure on Russia to prevent further damage to or the degradation of Ukraine's wetlands.[143]

5.3 Implementation of the Resolution

The Ramsar Secretariat was directed by the Resolution to present updates on the implementation of the Resolution at all intervening meetings of the Standing Committee.[144] Therefore, at the 62nd meeting of the Standing Committee on 2 June 2023, the Ramsar Secretariat provided an update on the progress made in implementing the Resolution.[145]

5.3.1 Coordination and Consultation Efforts with Other Organisations

Since the Resolution was adopted, the Ramsar Secretariat has engaged in extensive collaboration and consultation with various organisations involved in assessing the environmental impacts of the armed conflict in Ukraine. This has included entering into bilateral discussions with entities such as UNEP through its Regional Office for Europe and the Post-Conflict and Disaster Management Branch, as well as the International Union for the Conservation of Nature (IUCN).[146] The expert input from these organisations has helped to accurately identify and understand the challenges faced by Ukrainian Ramsar Sites and to develop appropriate strategies for their preservation.

Additionally, starting from April 2023, the Ramsar Secretariat has become a member of the Inter-Agency Coordination Group on Environmental Assessments for Ukraine (the 'Group').[147] The Group exclusively comprises international organisations and currently consists of the UN Economic Commission for Europe (UNECE),

[141] Ibid., para. 16.

[142] Ibid.

[143] Ibid.

[144] Ibid., para. 19.

[145] This section exclusively covers the update on implementation as the article is being drafted and includes the latest developments concerning the execution of the Resolution, shared on 2 June 2023, during the 62nd meeting of the Standing Committee. Additional progress updates will be presented to the Standing Committee at its 63rd meeting.

[146] Ramsar Convention Secretariat (2023), para. 2.

[147] Ibid., para. 5.

UNEP, the Organisation for Economic Cooperation and Development (OECD), the UN Industrial Development Organization, the UN Development Programme, the World Bank, and the Organization for Security and Co-operation in Europe.[148] The Group maintains direct and continuous engagement with the Ministry of Environmental Protection and Natural Resources of Ukraine.[149] In the meantime, the UN Regional Office for Europe assists in coordinating the activities of the Group.[150]

The Group aims to improve the coordination of environmental assessments in Ukraine by emphasising the substantive outcomes and methodological approaches used in conducting them.[151] It is also intended to provide guidance on utilising these assessments to support the post-conflict green reconstruction in Ukraine and recovery efforts.[152] Recent meetings of the Group have dealt with various topics, such as developing draft methodologies for analysing air and soil pollution and addressing legal concerns.[153] By actively participating in the Group and engaging with its members, the Ramsar Secretariat is sharing information regarding its work under the Ramsar Convention and the current Resolution.[154] Moreover, the Ramsar Secretariat is involved in discussions on how to effectively incorporate considerations for Ramsar Sites within ongoing or planned environmental assessments.[155] In addition to these activities, the Group organised a seminar on earth observation and remote sensing on 24 May 2023.[156] The Ramsar Secretariat has proposed to host another seminar, focused on ecosystem impacts, through the Group in the latter part of 2023.[157]

5.3.2 Coordination and Consultation Efforts within the Convention

On 10 March 2023, Ukraine submitted to the Ramsar Secretariat a notification of changes in the ecological character of 16 Ramsar Sites and of potential changes to

[148] UNECE, 'Informal Inter-Agency Coordination Group on Environmental Assessments for Ukraine', https://unece.org/environmental-policy/environmental-performance-reviews/Ukraine (accessed 23 August 2023); 'UNECE Convenes Inter-Agency Group to Coordinate Assessment of Environmental Damage in Ukraine', https://unece.org/media/press/376082 (accessed 23 August 2023).

[149] Ramsar Convention Secretariat (2023), para. 2.

[150] Ibid.

[151] Ibid., para. 6.

[152] Ibid.

[153] 'UNECE Convenes Inter-Agency Group to Coordinate Assessment of Environmental Damage in Ukraine', https://unece.org/environmental-policy/environmental-performance-reviews/Ukraine (accessed 23 August 2023).

[154] Ramsar Convention Secretariat (2023), para. 7.

[155] Ibid.

[156] Ibid., para. 8. Earth observation technologies, including satellite imagery and remote sensing, enable the collection of information to support the work of the Ramsar Convention by providing accurate and up-to-date data for wetlands conservation and management. Earth observation exhibits great potential for providing essential data for precise wetlands inventory, assessment, and monitoring. See Rebelo et al. (2018), Summary.

[157] Ibid.

the ecological character of a further 15.[158] The Ramsar Secretariat met with the Permanent Mission of Ukraine to the UN Office and other intergovernmental organizations in Geneva on 4 April to discuss the notification.[159] The discussions between the Ramsar Secretariat and the Ukrainian Government provided an opportunity to exchange information on the severity and scope of the damage, as well as to explore strategies and measures for mitigating the potential negative impacts on these sites and ensuring their long-term ecological integrity.

Paragraph 19 of the Resolution urges financial and technical support to be provided in order to assist the Ukrainian Government in better preserving its Ramsar Sites.[160] After the Resolution was adopted, the United Kingdom provided a voluntary contribution to support the efforts of the Ramsar Secretariat in implementing the actions specified in the Resolution.[161] The financial assistance from other Member States serves as evidence that the adoption of the Resolution has heightened the awareness of the international community concerning the pressing needs of Ukrainian Ramsar Sites. Financial assistance can help the Ramsar Secretariat to carry out the specified actions more effectively. The Resolution encompasses various activities such as implementing on-site conservation measures, monitoring efforts, and capacity-building initiatives.

5.4 Evaluation of the Ramsar Resolution and Its Implementation

In the previous section, we discussed the provision of 'urgent national interests'. Essentially, this provision can be considered a response that might be triggered by armed conflict—specifically, States can invoke urgent national interests to lessen their environmental obligations rather than enhance them. Therefore, this section primarily focuses on a comparison between the Resolution, as a new mechanism, and the Montreux Record, a mechanism designed to identify Ramsar Sites at risk from various human activities, including armed conflict.

5.4.1 Strengths

Compared with the Montreux Record, the first strength of the Resolution lies in its ability to prompt the timely implementation of focused actions within the legal framework of the Ramsar Convention. The Resolution adopted at COP14 of the Ramsar Convention can be considered as an immediate reaction to the ongoing threats posed by armed conflict. In May 2022, at the 59th Meeting of the Standing Committee, Ukraine raised the issue of the environmental emergency of its Ramsar Sites. Six months later, at COP14 of the Ramsar Convention, the Resolution was adopted with specific measures.

[158] Ibid., p. 3.

[159] Ibid.

[160] Ibid., para. 19.

[161] Ramsar Convention Secretariat (2023), para. 4.

Besides providing for a prompt reaction, the adoption of resolutions provides a means of addressing the challenge posed by the voluntary status of the Montreux Record. As highlighted earlier, without the consent of the States, it is impossible to list endangered sites in the Montreux Record. However, the procedure for adopting resolutions by the COP offers a certain degree of flexibility to overcome this challenge. Even in cases where the consent of the State for the inclusion of a particular wetland may be lacking, resolutions may still be adopted to address issues related to wetland conservation, either by consensus or through a formal vote.

In addition, rather than allowing the challenges of conducting environmental assessments during an active armed conflict to hinder the adoption of additional measures for protecting wetlands, the Resolution's approach is centred on improving the likelihood of conducting valuable assessments in conflict zones, with measures aimed towards this objective. The Resolution has a strong focus on the assessment of the damage caused by the armed conflict to the Ukraine Ramsar Sites and may serve to facilitate extensive institutional collaboration through the Ramsar Secretariat for conducting such assessments and investigating the methodology.

Based on the Ramsar Secretariat's update provided during the 62nd meeting of the Standing Committee, several collective actions have been initiated. The establishment of the Group, of which the Ramsar Secretariat is a member, has helped to improve coordination and cooperation among international organisations. This collaboration has facilitated the establishment of a more comprehensive and unified approach toward assessing and addressing the environmental impacts on Ramsar Sites in Ukraine.

At the same time, the emphasis of the Group on creating preliminary frameworks for environmental assessment and dealing with legal concerns allows for a clearer method of evaluating ecological transformations at Ramsar Sites. This systematic approach is particularly valuable given the challenges involved in assessing environmental damage during an active armed conflict, as discussed earlier. By developing improved methodologies, these efforts establish a basis for measuring the scope of negative consequences and successful mitigation strategies for reconciliation in the future. In the meantime, the Resolution also calls for voluntary support from the international community for assessing damaged Ramsar Sites.

In fact, being actively engaged in cooperation with relevant stakeholders, environmental NGOs in particular, is one of the distinctive futures of the Ramsar Convention bodies.[162] A legal commentator has even suggested that the integration of environmental NGOs into the core activities of the Ramsar Convention has been more successful compared to the approaches of other environmental conventions.[163] By extensive collaboration with various stakeholders, particularly through the Ramsar Secretariat, the bodies of the Ramsar Convention have established close working relationships with diverse organisations. These connections have proven valuable for gaining insights and guidance for effectively implementing the Resolution.

The Resolution reveals a strong commitment by the Ramsar Parties to actively address the environmental impact on Ukrainian Ramsar Sites during the armed

[162] Baakman (2011), p. 123.

[163] Bowman (2002), p. 63.

conflict. The emphasis on assessments and coordinated efforts makes it a relatively clear mechanism for supporting the recovery of Ramsar Sites during an active armed conflict. By comparison, the Montreux Record is a mechanism that identifies wetlands facing specific human-induced threats, potentially leading to their inclusion on a list that alerts Contracting Parties to the conservation status of the Ramsar Sites in question. However, the Record does not provide such a detailed and targeted approach as the Resolution does and can hardly be activated in times of armed conflict due to environmental assessment challenges.

5.4.2 Weaknesses

One of the most critical factors for the success of an environmental treaty is its ability to be adapted and expanded to address new challenges over time.[164] While the Resolution introduces an innovative approach to tackle environmental issues during armed conflicts, it has faced varied reactions within the COP. The Resolution was adopted with a vote of 50 in favour, 7 against, and 49 abstentions, and the significant number of abstentions indicates that a substantial amount of States were not fully aligned in their support.

One of the biggest criticisms that was raised by several Contracting Parties was that the Resolution remained outside the scope and objectives of the Convention and went beyond its environmental, scientific, and technical mandate.[165] Unfortunately, exactly why the draft resolution was admitted by the Conference Bureau for review at the COP and the specific justifications for why the Resolution aligns with the mandate of the COP and the objective of the Ramsar Convention were not revealed in the COP14 report. A hint that the Resolution might exceed the mandate and scope of the Convention is found in the term 'aggression', as used in the title of the Resolution. Russia took the view that by using the term 'aggression', the Resolution was extending into issues of international peace and security that are normally not the subject of discussion among the COP.[166]

The States generally agreed that, when conditions permitted, the status of the Ukrainian Ramsar Sites in question should be assessed and actions for any restoration needed should be undertaken.[167] The Russian Federation, however, also inquired whether there was factual information on the destruction of wetlands when the Resolution was adopted.[168] As such, States raised concerns that the Resolution could set a negative precedent for the future work of the Convention.[169]

Both the Ramsar Convention and the Ukrainian Government have acknowledged the challenging circumstances surrounding the Ramsar Sites under the occupation of

[164] Jutta (2011).

[165] Ramsar Convention Secretariat (2022b), p. 29. Such concerns were expressed by Bolivia, Brazil, China, Cuba, Indonesia, the Islamic Republic of Iran, the Democratic People's Republic of Korea, Nicaragua, Russia, and Venezuela.

[166] Ibid., p. 64. Also see Ramsar Convention Secretariat (2022a), p. 31.

[167] Ramsar Convention Secretariat (2022a), p. 17.

[168] Ramsar Convention Secretariat (2022b), p. 64.

[169] Ibid., p. 29. This concern was raised by the Democratic People's Republic of Korea.

Russia. Given the complex geopolitical situation and the importance of these wetlands, dialogue and cooperation are crucial between the parties involved, namely Russia, Ukraine, and the Ramsar Secretariat. Such dialogue is essential for collecting accurate and up-to-date information regarding the ecological status of these occupied Ramsar Sites. However, the Resolution, as it stands, does not provide specific, substantive measures to facilitate such cooperation. In essence, the Resolution falls short of offering strategies to encourage cooperation to address the complex situation of Ramsar Sites under occupation.

To take a historical perspective, as have several States, armed conflicts have negatively impacted wetlands in the past, but no comparable proposals have been approved under the COP to the Ramsar Convention.[170] The fact that the Resolution is unprecedented may lead to a discussion as to whether it was merely a one-time experiment or if Resolutions have the potential to become a recurring practice in the future. At this early stage, providing definitive conclusions is challenging. To some extent, the answer to this question may depend on the experience with the current Resolution and, more particularly, the extent to which the parties comply therewith. If the Resolution proves to be a practical and effective approach to addressing the specific issues at hand, it could evolve from a one-time experiment into a recurring practice in the future. Simultaneously, it is worth noting that the Resolution was adopted in a specific context where the majority of States perceive the Russian Federation as the aggressor and a perpetrator of many violations of IHL.[171] To explore the likelihood of this Resolution becoming more common in the future, a thorough analysis necessitates a shift away from the specific context of this case and a broader examination of the general surroundings. Both of these aspects are testing whether the Resolution can serve as a sustainable solution within the Ramsar Convention, making it applicable to a broader spectrum of wetlands affected by armed conflict.

6 Challenges and Opportunities for Addressing Environmental Damage during Armed Conflict through Multilateral Environmental Agreements

In the context of the Russia–Ukraine conflict, the Ramsar Resolution provides valuable insights into the challenges and opportunities faced by those seeking to use multilateral environmental agreements to address environmental damage caused by armed conflict. By exploring the implementation of the Ramsar Convention and certain other multilateral environmental agreements in comparable situations, this section aims to provide an understanding of the broader challenges faced by parties implementing environmental treaties. Moreover, it highlights the potential

[170] Ibid. This concern was raised by Gabon and Venezuela.

[171] See the resolutions of the 11th emergency special session of the UN General Assembly: A/RES/ES-11/1 (2 March 2022) 'Aggression against Ukraine', A/RES/ES-11/2 (24 March 2022) 'Humanitarian consequences of the aggression against Ukraine', and A/RES/ES-11/4 (2 October 2022) 'Territorial integrity of Ukraine: defending the principles of the Charter of the United Nations'.

approaches to enhance environmental protection during armed conflict by leveraging the distinct characteristics of multilateral environmental agreements.

6.1 Identifying the Challenges

6.1.1 Derogation from Environmental Obligations Due to Armed Conflict

A traditional belief is that the law applicable during times of peace and that during times of war are mutually exclusive, allowing only one to be in effect at any given time.[172] Since the early 1990s, numerous research efforts examining this topic have observed a departure from this binary setting, arguing that there is no automatic suspension of international environmental law due to hostilities.[173] According to one study conducted by UNEP, only 40% of environmental agreements include provisions that may potentially have an impact on their continuity.[174] An example of such a provision concerns the derogation from environmental obligations due to hostilities. For instance, the Ramsar Convention includes a provision that allows States to modify the listed Ramsar Sites because of 'urgent national interests'. Similarly, the African Convention on the Conservation of Nature and Natural Resources includes a comparable provision that uses the language 'paramount interest of the States'.[175] These multilateral environmental agreements recognise the detrimental consequences of armed conflict for the natural environment, but these provisions create a potential loophole for States to evade their environmental obligations in the event of armed conflict.

6.1.2 Resistance from States Involved in Armed Conflict

The implementation of measures contained within multilateral environmental agreements to provide additional environmental protection often face resistance from States involved in armed conflict. One challenge arises from the stigma associated with being placed on the 'blacklist' of environmental treaties that have dual-listing systems for ordinary conservation and extra protection due to other threats. For instance, as discussed in the previous section, the Ramsar Convention has admitted that the issue of shame or stigma affects the effectiveness of the Montreux Record.

Other than the stigma linked with the 'blacklist', the financial burden on States of protecting endangered sites is also an obstacle to implement extra measures under multilateral environmental agreements. For instance, in the case of the World Heritage Convention, a State Party receiving international assistance is primarily responsible for covering the majority of the costs.[176] Therefore, international assistance is often considered supplementary to national efforts for conservation and

[172] Mrema et al. (2009), p. 34.

[173] See Bouvier (1991); Mrema et al. (2009); Amado and Tolentino (2010); International Law and Policy Institute (2014); Stahn et al. (2017).

[174] Mrema et al. (2009), p. 34..

[175] African Convention on the Conservation of Nature and Natural Resources, Art. XVII, 1(a).

[176] World Heritage Committee (2021), p. 69.

management when adequate resources cannot be secured at the national level.[177] At the same time, agreements such as the World Heritage Convention may also take into account whether legislative, administrative, and, wherever possible, financial commitments by the recipient State Party are available to support some activities.[178] However, during armed conflict, States often prioritise military and humanitarian concerns over natural environmental conservation, making it difficult to allocate financial resources. The unstable political situation during armed conflict makes it challenging for States to demonstrate the convincing legislative, administrative, and financial commitments required to qualify for international assistance under multilateral environmental agreements.

6.1.3 Resistance from Other Member States to Multilateral Environmental Agreements

Multilateral environmental agreements may encounter pushback to addressing the environmental impacts of armed conflict from other Member States. This resistance stems from certain Member States perceiving a conflict between the environmental and scientific objectives of the environmental treaties and the political nature of armed conflict. Multilateral environmental agreements typically originate with a focus on environmental concerns, but the participating States often have divergent priorities.[179] An example highlighting this tension is the Resolution addressing the occupied Ukrainian Ramsar Sites, which elicited objections from several Member States during COP14 of the Ramsar Convention. Some Member States proposed alternative approaches, such as using an IHL framework, as more appropriate channels for discussing environmental damage during armed conflict. This reflects the challenges faced by the parties to multilateral environmental agreements in reconciling the environmental and scientific mandates with the complex political dynamics inherent in armed conflict.

Even during the process of formalising a multilateral environmental agreement while addressing environmental issues during armed conflict, concerns may emerge about interfering in the domain of IHL. This was the case for the Convention on the Law of the Non-navigational Uses of International Watercourses ('UN Watercourses Convention'). Article 29 of the UN Watercourses Convention deals with matters involving international watercourses and installations in times of armed conflict.[180] During the codification process of this Article, concerns were expressed that the inclusion of this Article might affect the existing rules of IHL and potentially hinder the future work of the ILC.[181] Therefore, eventually, Article 29 took a more cautious approach and did not lay down any new rules but simply offered a reminder that the

[177] World Heritage Committee (2021), para. 233.

[178] Ibid., para. 239(d).

[179] Jutta (2011).

[180] UN Watercourses Convention, Art. 29.

[181] Evensen (1983), para. 183.

principles and rules of international law concerning international watercourses continue to apply during armed conflict.[182]

6.2 Exploring Opportunities

6.2.1 Awareness-Raising Function

Multilateral environmental agreements with a broad environmental mandate may provide a basis to take measures that help to raise awareness about a particular environmental issue. In the case of the Ramsar Convention, the adopted Resolution provides a crucial opportunity to raise global awareness about the environmental emergency in Ukraine caused by the Russian Federation's aggression. The Resolution was intensively discussed during COP14 and eventually adopted and co-sponsored by 36 countries. In the subsequent implementation of the Resolution, the Ramsar Secretariat has also participated in cooperative activities with different institutions and organisations. In this light, the Resolution has brought this issue to the forefront of international discussions and prompted media coverage, public debates, and advocacy efforts, thereby creating a platform for sharing information about the environmental impact of the armed conflict.

When extra measures are taken under multilateral environmental agreements, whether in the form of a resolution or listing a site to garner further assistance, the process undertaken can draw attention to a specific problem or concern. Several multilateral environmental agreements, such as the Ramsar Convention and the World Heritage Convention, incorporate two listing systems: one for conservation purposes and another for sites or properties in jeopardy. Usually, listing a site on the 'danger list' not only signifies its vulnerable state but also contributes to raising public awareness. For instance, the List of World Heritage in Danger under the World Heritage Convention also effectively serves this purpose. By highlighting the imminent risks to cultural or natural treasures, the List of World Heritage in Danger prompts international communities, governments, and the public to recognise the pressing need for action. This increased awareness can help mobilise public support and encourage individuals, organisations, and governments to take action, leading to greater attention and resources being directed towards a specific environmental issue.

6.2.2 Extensive Institutional Cooperation

Many multilateral environmental agreements establish institutions with a mandate to cooperate with other relevant convention bodies or international environmental organisations to advance the objectives of treaties.[183] Even where explicit collaboration clauses are not included, such as in the Ramsar Convention, there is typically a

[182] International Law Commission (1994), p. 131.

[183] For instance, the Ramsar Convention Parties have acknowledged the importance of collaborating with other conventions through the inclusion of a provision in the 2009–2015 Ramsar Strategic Plan. This provision emphasises support for joint work plans and partnerships with other conventions.

broad provision allowing the COP or another body to undertake the functions that are necessary to achieve the Convention's objectives or other assigned tasks.[184] The implementation of the Resolution under the Ramsar Convention illustrates extensive institutional cooperation with various stakeholders. In addition to raising awareness concerning the environmental emergency in Ukrainian Ramsar Sites, this cooperation has also facilitated the acquisition of expertise and technical support from other institutions. Extensive cooperation becomes particularly crucial when conducting environmental damage assessments in the challenging context of an active armed conflict. Through collaborative efforts, the Ramsar Convention has leveraged the advantages of the sharing of best practices, guidelines, and scientific expertise from other environmental institutions. These collaborative actions have assisted the Convention's Parties in evaluating the scope of the damage, formulating restoration plans, and implementing sustainable management practices for affected sites.

6.2.3 Financial Support Opportunities

Financial aid plays a significant role in promoting environmental protection efforts.[185] Particularly during armed conflict, providing material support such as equipment and monetary compensation is crucial for helping States to fulfil their environmental obligations. In these challenging circumstances, where the primary focus of a State often revolves around addressing security and humanitarian concerns, allocating resources for environmental conservation can take a backseat. Unfortunately, and in addition, the instability caused by armed conflict may also lead to a suspension of financial assistance from external donors, which exacerbates the urgent situation. In this sense, additional financial assistance that takes into account the unique character of armed conflict is a crucial component for mitigating the negative impacts of armed conflict on the environment.

The Resolution adopted by the COP to the Ramsar Convention regarding the occupied Ukrainian Ramsar Site is strongly focused on extending financial and technical support to Ukraine for the enhanced preservation of its Ramsar Sites. Following the Resolution, the United Kingdom made a voluntary contribution to the Ramsar Secretariat's efforts to implement the recommended actions. Through the framework established by the Ramsar Convention and the adoption of the Resolution, the chances increased for international aid programmes, bilateral partnerships, and donor countries to allocate funds specifically to address the environmental emergency experienced at the Ukrainian Ramsar Sites. This financial support can be directed towards restoration projects, capacity-building initiatives, scientific research, and awareness campaigns, all of which contribute to mitigating the negative impacts of warfare on wetlands and facilitating long-term reconciliation plans.

[184] Scott (2011), p. 190.

[185] Rajamani and Peel (2021), p. 937.

7 Conclusion

In evaluating the Ramsar Convention's effectiveness in mitigating the environmental impact of the Russia–Ukraine conflict on Ukrainian wetlands, this article concludes that the two mechanisms within the Ramsar Convention fall short of providing adequate protection for wetlands in times of an active armed conflict. Nevertheless, the Resolution adopted by the COP to the Ramsar Convention indicates the significant potential of environmental law treaties to foster institutional cooperation and advocacy for financial assistance to address environmental emergencies during armed conflict. Yet, the political sensitivity of the Resolution was apparent and has triggered various viewpoints.

The framework of the Ramsar Convention provides two mechanisms to address the potential impacts of hostilities on wetlands, including the 'urgent national interests' provision and the Montreux Record. Both of these mechanisms exhibit certain significant deficiencies in effectively managing environmental damage during armed conflict.

The 'urgent national interests' provision, in fact, allows for an escape from the obligation of environmental protection. Allowing States to modify the boundaries of designated Ramsar Sites or potentially to delist them permits a State to reduce a wetland's protection when the State's interests are threatened, as in the case of armed conflict. Although such a design may have incentivised States to join the Convention, this provision does not essentially contribute to addressing environmental emergencies in times of armed conflict.

The Montreux Record, originally designed to address ecological changes at listed Ramsar Sites, encounters significant challenges in the context of wetlands facing the threat of armed conflict. Instead, it may better serve as a mechanism for post-conflict reconciliation. The inclusion of a site on the Montreux Record requires a comprehensive assessment detailing (potential) negative environmental changes, which is extremely difficult to perform during an active armed conflict. For Ramsar Sites urgently requiring conservation due to the dire impacts of armed conflict, the Montreux Record offers limited additional measures that are available in a timely manner. Additionally, the Record is a voluntary mechanism that can sometimes be associated with the stigma of being blacklisted, and if States are reluctant to list sites due to concerns about the added responsibility or are influenced by the associated stigma, their refusal to proceed with the addition would terminate the process.

The benefits of being added to the Montreux Record for conservation and rehabilitation plans are also tenuous during an active armed conflict. Sites featured on the Montreux Record are given priority consideration for assistance through the RAM. The implementation of such assistance usually requires a substantial planning phase before implementation, including convening a team of experts to visit the site, which can be difficult to coordinate during an active armed conflict. Therefore, while the Montreux Record has the potential for being applied to wetlands damaged by armed conflict, it is more likely to be useful in a post-conflict context.

The deficiencies of the two mechanisms within the Ramsar Convention are reflected in the context of the Russia–Ukraine conflict, where no actions have been

undertaken using these mechanisms. In the face of an environmental emergency in Ukraine, the COP to the Ramsar Convention adopted a Resolution with the explicit purpose of addressing the at risk Ramsar Sites in Ukraine. This Resolution provides a different approach to addressing the matter and has shown potential efficacy for addressing such issues, especially compared with the previous two mechanisms.

To begin with, the Resolution offers a swift response compared to the lengthy procedures of Montreux Record listing. Furthermore, the Resolution concentrates extensively on evaluating the extent of the damage to Ukraine's Ramsar Sites caused by armed conflict and puts forth multiple approaches for use in this context. Instead of allowing assessment difficulties to hinder the implementation of supplementary measures, the Resolution actively encourages the exploration of strategies to carry out environmental assessments during armed conflict. In addition, the Resolution appeals for voluntary support, including financial contributions to help the Ramsar Secretariat and the Ukrainian Government to preserve the impacted Ramsar Sites more effectively. Subsequent updates from the Ramsar Convention regarding the implementation of the Resolution have confirmed the value of these proposed measures.

At the same time, the sensitive nature of the Resolution has also triggered various viewpoints among States Parties. The Resolution and its recent implementation are relatively new. The question of whether it signifies the potential for becoming a recurring practice in the future remains open for further study and analysis.

Stepping back from the specific case of the Ramsar Resolution, we can draw upon this case and the insights from certain other multilateral environmental agreements to assess the overall challenges and opportunities in leveraging them to safeguard the environment amidst the complexities of armed conflict.

One of the most critical challenges faced by the proponents of multilateral environmental agreements is the difficulty in conducting environmental assessments during an active armed conflict. Besides, the unique character of armed conflict, which is often at the centre of a State's interests, may result in derogations from environmental protection obligations and objections from the States involved in the armed conflict and other Member States relating to addressing this issue within the framework of environmental law. All of these points of resistance may potentially block an environmental treaty from being the basis for action to address environmental emergencies caused by armed conflict.

Regardless of the challenge, multilateral environmental agreements still offer a great potential for being leveraged to mitigate environmental damage during armed conflict. Using the broad environmental mandate of such treaties to enact measures that help to raise awareness about a particular environmental issue is an opportunity. Moreover, many multilateral environmental agreements establish institutions with a mandate to cooperate with other relevant convention bodies and organisations to advance the objectives of treaties. Such extensive collaboration is particularly crucial to forming a coherent methodology for conducting environmental assessments in an armed conflict scenario. By exchanging best practices, guidelines, and scientific expertise with other environmental institutions, collaborative efforts increase the likelihood of devising effective strategies to assess and mitigate the environmental impact of conflicts. Lastly, the framework established by multilateral

environmental agreements, facilitated by increased awareness and institutional cooperation, improves the chances of obtaining financial resources dedicated to mitigating the environmental impact of conflict situations. Because the circumstances of armed conflict tend to prioritise military and humanitarian considerations, the ability to allocate funds specifically to address environmental issues is particularly valuable.

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