

Archive ouverte UNIGE

		nttps://ard	chive-ouverte.unige.cn
Numéro de revue 2	020	Extract	Open Access
This file is a(n) Extract of:			
Water Protecti	on and Armed Conflicts in	Internation	nal Law
Tignino, Mara (guest ed.); Sjösted	dt, Britta (guest ed.)		
This publication URL:	https://archive-ouverte.unige.ch/uni	ge:135560	

© This document is protected by copyright. Please refer to copyright holders for terms of use.

RECIEL

Review of European, Comparative & International Environmental Law

Special Issue: Water Protection and Armed Conflicts in International Law Guest Editors: Mara Tignino and Britta Sjöstedt

Water law and governance in post-conflict settings Carl Bruch, Erika Weinthal and Jessica Troell

Building a sustainable peace: How peace processes shape and are shaped by the international legal framework for the governance of natural resources

Daniëlla Dam-de Jong

Water in peace operations: The case of Haiti Mara Tignino and Öykü Irmakkesen

Water security: A litmus test for international law Bjørn-Oliver Magsig

Access to water in Donbass and Crimea: Attacks against water infrastructures and the blockade of the North Crimea Canal

Marco Pertile and Sondra Faccio

Armed conflicts and the environment: The International Law Commission's new draft principles

Marja Lehto



REVIEW OF EUROPEAN, COMPARATIVE AND INTERNATIONAL ENVIRONMENTAL LAW (RECIEL)

Harro van Asselt
Editor
University of Eastern Finland Law School
Associate Editors

Annalisa Savaresi Associate Editor (Case Notes) Lecturer in Environmental Law, University of Stirling, School of Law, UK Dr Marie-Catherine Petersmann Associate Editor (Book Reviews) Utrecht University, The Netherlands

Editorial Board

Shawkat Alam, Professor of Law Director, Centre for Environmental Law Macquarie University, Australia

Carl Bruch Director of International Programs Environmental Law Institute, USA

Richard Caddell Senior Lecturer, College of Law, University of Swansea, UK

Michael Faure

Professor of Comparative and International Environmental Law Academic Director, Institute for Transnational Legal Research Maastricht University, The Netherlands

Joyeeta Gupta Professor of Environment and Development in the Global South University of Amsterdam, The Netherlands

Rakhyun Kim Assistant Professor Copernicus Institute of Sustainable Development, Utrecht University, The Netherlands

> Louis Kotzé Research Professor North-West University, South Africa

Kati Kulovesi Professor of International Law Director, Centre for Climate Change, Energy and Environmental Law University of Eastern Finland Law School, Finland

> Sandrine Maljean-Dubois Director of Research CNRS, Aix-Marseille University

Benoit Mayer Assistant Professor The Chinese University of Hong Kong, China

Makane Mbengue Associate Professor, University of Geneva, Switzerland Jeffrey McGee

Senior Lecturer in Climate Change, Marine and Antarctic Law Director, Australian Forum for Climate Intervention Governance Faculty of Law, Institute for Marine and Antarctic Studies, University of Tasmania, Australia

Elisa Morgera Professor of Global Environmental Law Director, Strathclyde Centre for Environmental Law and Governance University of Strathclyde, UK

> Lavanya Rajamani Professor of International Environmental Law Faculty of Law, University of Oxford United Kingdom

Leonie Reins Assistant Professor Tilburg Law School, Tilburg University, The Netherlands

Gregory Rose
Associate Professor
Centre for Natural Resources Law and Policy, University of Wollongong,

Francesco Sindico Reader in International Environmental Law University of Strathclyde, UK

Qin Tianbao Director

Research Institute of Environmental Law, Wuhan University, China

Arie Trouwborst
Associate Professor of Environmental Law
Tilburg Law School, Tilburg University, The Netherlands
Geert van Calster

Professor, KU Leuven Member of the Brussels Bar, Belgium Christina Voigt

Professor of International Law Department of Public and International Law, University of Oslo, Norway

Advisory Board

Ben Boer Professor in Environmental Law Faculty of Law, University of Sydney, Australia

Jutta Brunnée Metcalf Chair in Environmental Law Faculty of Law, University of Toronto, Canada

James Cameron Professor, College of Europe, Bruges, Belgium Senior Fellow, Yale Center for Environmental Law & Policy, USA

Günther Handl Eberhard Deutsch Professor of Public International Law Tulane University, School of Law, USA

Gerhard Roller Professor of Environmental Law University for Applied Sciences Bingen, Germany

Peter H. Sand Lecturer in International Environmental Law Faculty of Law, University of Munich, Germany Philippe Sands QC Professor of Law, University College London; Barrister, Matrix Chambers, UK

Richard B. Stewart Emily Kempin Professor of Law Faculty of Law, New York University, USA

Timothy M. Swanson Professor, André Hoffmann Chair of Environmental Economics, The Graduate Institute, Switzerland

Jorge E. Viñuales Harold Samuel Professor of Law and Environmental Policy University of Cambridge, UK

Hugh Wilkins
Member
Ontario Environmental Review Tribunal, Canada

Copy Editor John Edginton

Information for Subscribers

Publisher: *RECIEL* is published by John Wiley & Sons Ltd, 9600 Garsington Road, Oxford OX4 2DQ, UK, phone: +44 (0) 1865 776868, fax: +44 (0) 1865 714591 and 350 Main Street, Malden, MA 02148, USA, phone: +1 781 388 8200, fax: +1 781 388 8210. John Wiley & Sons Ltd was acquired by John Wiley & Sons in February 2007. Blackwell's programme has been merged with Wiley's global Scientific, Technical and Medical business to form Wiley Blackwell.

Production Editor: Noelito Catacutan Valdivia (reel@wiley.com)

Advertising: Joe Adams (jadams@wiley.com)

Information for subscribers: RECIEL is published in three issues per year in April, July and November. Institutional subscription prices for 2020 are: Print & Online: US\$1971 (US), US\$2567 (Rest of World), €1668 (Europe), £1316 (UK). Prices are exclusive of tax. Australian GST, Canadian GST and European VAT will be applied at the appropriate rates. For more information on current tax rates, please go to www.wileyonlinelibrary.com/tax-vat. The institutional price includes online access to the current and all online back files to January 1st 2014, where available. For other pricing options, including access information and terms and conditions, please visit www.wileyonlinelibrary.com/access

Delivery Terms and Legal Title: Where the subscription price includes print issues and delivery is to the recipient's address, delivery terms are Delivered at Place (DAP); the recipient is responsible for paying any import duty or taxes. Title to all issues transfers FOB our shipping point, freight prepaid. We will endeavour to fulfil claims for missing or damaged copies within six months of publication, within our reasonable discretion and subject to availability.

Access to this journal is available free online within institutions in the developing world through the OARE initiative with UNEP. For information, visit www.oaresciences.org.

Disclaimer: The Publisher and Editors cannot be held responsible for errors or any consequences arising from the use of information contained in this journal; the views and opinions expressed do not necessarily reflect those of the Publisher and Editors, neither does the publication of advertisements constitute any endorsement by the Publisher and Editors of the products advertised.

REVIEW OF EUROPEAN, COMPARATIVE AND INTERNATIONAL ENVIRONMENTAL LAW, (ISSN 2050-0386), is published in three issues a year. US mailing agent: Mercury Media Processing, LLC 1634 East Elizabeth Ave, Linden NJ 07036 USA. POSTMASTER: Send all address changes to REVIEW OF EUROPEAN, COMPARATIVE AND INTERNATIONAL ENVIRONMENTAL LAW, John Wiley & Sons Ltd, Journals Subscription Department, 350 Main St., Malden, MA 02148-5020.

Back issues: Single issues from current and prior year volumes are available at the current single issue price from John Wiley & Sons Ltd. Earlier issues may be obtained from Periodicals Service Company, 351 Fairview Avenue – Ste 300, Hudson, NY 12534, USA. Tel: +1 518 822 9300, Fax: +1 518 822 9305, Email: psc@periodicals.com

Copyright and Copying: © 2020 John Wiley & Sons Ltd. All rights reserved. No part of this publication may be reproduced, stored or transmitted in any form or by any means without the prior permission in writing from the copyright holder. Authorization to photocopy items for internal and personal use is granted by the copyright holder for libraries and other users registered with their local Reproduction Rights Organisation (RRO), e.g. Copyright Clearance Center (CCC), 222 Rosewood Drive, Danvers, MA 01923, USA (www.copyright.com), provided the appropriate fee is paid directly to the RRO. This consent does not extend to other kinds of copying such as copying for general distribution, for advertising or promotional purposes, for republication, for creating new collective works or for resale. Permissions for such reuse can be obtained using the RightsLink "Request Permissions" link on Wiley Online Library. Special requests should be addressed to: permissions@wiley.com

Journal Customer Services: For ordering information, claims and any enquiry concerning your journal subscription please go to interscience.wiley.com/support or contact your nearest office. Americas: Email: cs-journals@wiley.com; Tel: +1 781 388 8598 or +1 800 835 6770 (toll free in the USA & Canada). Europe, Middle East and Africa: Email: cs-journals@wiley.com; Tel: +44 (0) 1865 778315. Asia Pacific: Email: cs-journals@wiley.com; Tel: +65 6511 8000. Japan: For Japanese speaking support, Email: cs-japan@wiley.com; Tel: +65 6511 8010 or Tel (toll-free): 005 316 50 480. Visit our Online Customer Self-Help available in 7 languages at www.wileycustomerhelp.com/ask

Wiley's Corporate Citizenship initiative seeks to address the environmental, social, economic, and ethical challenges faced in our business and which are important to our diverse stakeholder groups. Since launching the initiative, we have focused on sharing our content with those in need, enhancing community philanthropy, reducing our carbon impact, creating global guidelines and best practices for paper use, establishing a vendor code of ethics, and engaging our colleagues and other stakeholders in our efforts. Follow our progress at www.wiley.com/go/citizenship

For submission instructions, subscription and all other information, including abstracting and indexing services, visit: http://wileyonlinelibrary.com/journal/reel

Printed in Singapore by C.O.S. Printers Pte Ltd.

ISSN 2050-0386 (Print)

ISSN 2050-0394 (Online)

Contents

Luitoriai	
Searching for holistic approaches to protect water in relation to armed conflict Mara Tignino and Britta Sjöstedt	3
Special Issue Articles: Water Protection and Armed Conflicts in International Law	1
Water law and governance in post-conflict settings Carl Bruch, Erika Weinthal and Jessica Troell	7
Building a sustainable peace: How peace processes shape and are shaped by the international legal framework for the governance of natural resources Daniëlla Dam-de Jong	21
Water in peace operations: The case of Haiti Mara Tignino and Öykü Irmakkesen	33
Water security: A litmus test for international law Bjørn-Oliver Magsig	44
Access to water in Donbass and Crimea: Attacks against water infrastructures and the blockade of the North Crimea Canal Marco Pertile and Sondra Faccio	56
Armed conflicts and the environment: The International Law Commission's new draft principles Marja Lehto	67
Original Articles	
What would ecological climate change law look like? Developing a method for analysing the international climate change regime from an ecological perspective Olivia Woolley	76
Transnational legal processes, the EU and RED II: Strengthening the global governance of bioenergy	86
Emily Webster The European environmental regulation of marine renewable energies	00
Carlos Soria-Rodríguez	95
Sustainable phosphorus management in European agricultural and environmental law Beatrice Garske, Jessica Stubenrauch and Felix Ekardt	107
Barbuda's community title to land: A furtherance of the Convention on Biological Diversity? Zachary Allen Roy Phillips	118
	_
Case Notes	
Balancing nature and economic interests in the European Union: On the concept of mitigation under the Habitats Directive	129

Book Reviews	
Richard Caddell and Erik Molenaar, Strengthening International Fisheries Law in an Era of Changing Oceans (Julia Nakamura)	138
Michael G. Faure and Roy A. Partain, Carbon Capture and Storage: Efficient Legal Policies For Risk Governance and Compensation (John Pearson)	140
Abdullah Al Faruque, Nuclear Energy Regulation, Risk and The Environment (Jakub Handrlica)	142