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**INDIVIDUAL RESPONSIBILITY FOR THE WAR CRIME OF DAMAGING
THE NATURAL ENVIRONMENT: THE CASE OF THE DESTRUCTION OF
THE KAKHOVKA DAM**

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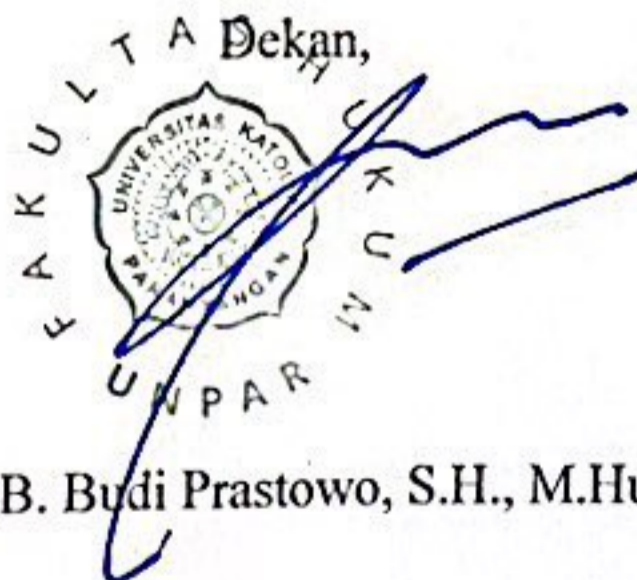
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ABSTRACT

In every armed conflict, each party would try their best to win the conflict for their own benefit. These armed conflicts did not only impact the livelihood of civilians and their living conditions, but also towards the natural environment. Such an attack that poses widespread, long-term, and severe damage towards the natural environment during an armed conflict should be considered as war crimes pursuant to Article 8(2)(b)(iv) of the Rome Statute. The most recent case is the destruction of the Kakhovka dam in Ukraine during the Ukraine - Russia war. Such a case should be brought to the ICC for the violation of Article 8(2)(b)(iv) of the Rome Statute. However, due to the vague and high threshold of “widespread, long-term, and severe” provided by the commentaries of the AP I, there is no specific threshold for those terms making it a legal nullity.

The writing of this thesis focuses on two things: (1) the thresholds for widespread, long-term, and severe damage to the natural environment in times of armed conflict under Article 8(2)(b)(iv) of the Rome Statute; and (2) the actualization of individual responsibility under Article 8(2)(b)(iv) of the Rome Statute in the destruction of the Kakhovka dam. The findings of this research confirms that the threshold for Article 8(2)(b)(iv) of the Rome Statute should be lowered to an existing threshold provided by the Understanding of Article 1 of the Rome Statute. Furthermore, this writing has also explained how the individual criminal responsibility will be actualized for the destruction of the Kakhovka dam.

Keywords: *International Humanitarian Law, Environmental Protection, Armed Conflict, Russia-Ukraine War.*

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CHAPTER I

INTRODUCTION

I.1 Background

International Humanitarian Law (“IHL”) or also known as law of armed conflict is a set of rules which limit the effects of armed conflict by protecting people who are not or are no longer participating in the hostilities and restricts the means and methods of warfare.¹ IHL is part of international law, which is a body of rules governing relations between States contained in agreements between States such as treaties or conventions, international customary rules, and general principles.² IHL does not regulate whether a State may actually use force as this is governed in the United Nations Charter (“UN Charter”), however IHL applies to armed conflicts and its restrictions.³ IHL applies only once a conflict has begun, and then equally to all sides regardless of who started the fighting.⁴

Most of IHL regulations can be found in the Four Geneva Conventions of 1949 and its three Additional Protocols where almost every State agreed to be bound by those conventions.⁵ The Four Geneva Conventions governs IHL which protects victims from armed conflict and prioritizes humanitarian principles.⁶ The Four Geneva Conventions can only be applied in times of armed conflict whether international armed conflict (“IAC”) or non-international armed conflict (“NIAC”).⁷ IAC are those in which at least two States are involved and are subject to a wide range of rules set out in the Four Geneva Conventions of 1949 and Additional Protocol I (“AP I”).⁸ NIAC are those restricted to the territory of a single State, involving either regular armed forces fighting groups of armed

¹ ICRC, ‘What is International Humanitarian Law?’ [2004] Advisory Service on International Humanitarian Law <https://www.icrc.org/en/doc/assets/files/other/what_is_ihl.pdf> accessed on 25 June 2023, (“**What is IHL?**”), pg. 1.

² *Ibid.*

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

⁶ Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (adopted 12 August 1949, entry into force 21 October 1950) 75 UNTS 31, (“**Geneva I**”), Art. 2 & 3.

⁷ *Ibid.*

⁸ What is IHL?, n. 1.

dissidents, or armed groups fighting each other which are set out in common Article 3 to the Four Geneva Conventions of 1949 and Additional Protocol II (“AP II”).⁹

Tadić is a citizen of the former Yugoslavia, of Serb ethnic descent, and a resident of the Republic of Bosnia and Herzegovina at the time of the alleged crimes. In 1997, the Trial Chamber of the International Criminal Tribunal for the former Yugoslavia convicted Tadić of crimes against humanity for persecution and inhumane acts and violations of the laws or customs of war. He was charged with 31 individual counts of persecution, murder, beatings and other offences alleged to have been committed in 1992 in the Prijedor district and more specifically at the Omarska, Keraterm and Trnopolje camps, in Kozarac and in the area of Jaskici and Sici. In all counts, Tadić was charged with individual criminal responsibility. In 1999, the Appeals Chamber of the International Criminal Tribunal for the former Yugoslavia denied Tadić’s appeal on all grounds, but allowed the prosecution’s cross-appeal and found that it could not be satisfied beyond a reasonable doubt on the evidence before it that Tadić had any part in the killing of five men, on the doctrine of common purpose, and in finding that discriminatory intent is required for all crimes against humanity

In *Tadić* and Common Article 2 of the Four Geneva Conventions 1949, armed conflict occurs whenever there is a resort to armed force between two or more States.¹⁰ In every armed conflict, each party will exhaust every manner to win the conflict for the benefit of each party.¹¹ Therefore, it will cause effects towards civilian populations, civilian objects, and even the natural environment.¹² Armed conflict gives a negative impact towards the environment by damaging it deliberately or non deliberately as a war strategy.¹³ A few examples of deliberate ways of damaging the natural environment is by the use of chemical weapons or nuclear radiation, burning the forests or building, bombing, and other actions that might physically destroy the environment.¹⁴ Non-

⁹ *Ibid.*

¹⁰ *Prosecutor v. Dusko Tadic*, Decision on the Defence Motion for Interlocutory Appeal on Jurisdiction, IT-94-1-A, International Criminal Tribunal for the former Yugoslavia (ICTY), 2 October 1995, (“**Tadic**”), para. 70.

¹¹ Dabelko & Downie, *Environmental Security: From Concept to Practice* (The Henry L. Stimson Center 2001), pg. 36; Redclift & Woodgate, *The International Handbook of Environmental Sociology* (Edgar Elgar Publishing 2000), pg. 274.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

deliberate ways are infrastructure or public facilities destruction, the use of dangerous fuels, increased use of natural resources for military purposes, and others.¹⁵

Natural environment is a space with objects, forces, conditions, and living creatures, including humans and their behavior, which influence the continuity of life and welfare of humans and other living creatures.¹⁶ Meanwhile, according to Otto Soemarwato, the natural environment is the space occupied by living things and other non-living things where they interact with their living environment, in which there is a reciprocal relationship between living things and their environment.¹⁷ The relationship between humans and the environment cannot be separated because they influence each other and are interdependent.¹⁸ However, in fact, humans have done a lot of damage to the environment, for economic, political purposes, or to gain victory in wars, such as excessive population, pollution, air pollution, illegal logging, and so on.¹⁹

Natural environment can be understood differently by the Convention on the Prohibition of Military or any other Hostile Use of Environmental Modification Techniques (“ENMOD”) and the Commentaries of AP I. According to the Commentaries of API, the drafters of the ENMOD were thinking of hurricanes, tidal waves and earthquakes as well as rain and snow, and they reason in terms of months or seasons.²⁰ However, the authors of the Protocol think in terms of ecology, and the time scales are different.²¹

In the early 1970s, the problem of artificial modification of the environment for military or other hostile purposes was brought to the international agenda.²² This caused the USA and USSR to hold bilateral discussion in July 1974 on measures to overcome the danger of the use of environmental modification techniques for military purposes.²³ In

¹⁵ *Ibid.*

¹⁶ Restividia Putri, ‘Permasalahan Lingkungan Hidup Adalah Hubungan Mahluk Hidup’ (Scribd, 16 January 2010) <<https://www.scribd.com/document/25296683/Permasalahan-Lingkungan-Hidup-Adalah-Hubungan-Mahluk-Hidup>> accessed on 25 February 2023.

¹⁷ Hyronimus Rhati, *Kompleksitas Permasalahan Lingkungan Hidup* (Universitas Atma Jaya 2005), pg. 7.

¹⁸ Jody L. Davis, ‘Interdependence with the environment: Commitment, interconnectedness, and environmental behavior’ (2009) 29(2) J. Environ. Psychol. 173.

¹⁹ National Geographic, Human Impacts on the Environment <<https://education.nationalgeographic.org/resource/resource-library-human-impacts-environment/>> accessed on 25 February 2023.

²⁰ Jean Pictet, *Commentary on the Additional Protocols to the Geneva Conventions* (International Committee of the Red Cross 1987), (“**AP Commentary**”), pg. 416-417.

²¹ *Ibid.*, pg. 417.

²² United Nations, ‘Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (ENMOD)’ (United Nations Office for Disarmament Affairs) <<https://disarmament.unoda.org/enmod/>> accessed 23 June 2023.

²³ *Ibid.*

August 1975, USA and USSR tabled identical drafts texts of a convention at the Conference of the Committee on Disarmament (CCD), and was approved by resolution 31/27 of the United Nations General Assembly (“UNGA”) on 10 December 1976.²⁴ In 1976, the UNGA issued a resolution explaining the ENMOD that the use of armed forces would be deemed illegal if the damages are widespread, long-lasting, and severe towards the natural environment.²⁵ State parties undertake not to engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to another State party.²⁶

In order to ensure environmental protection in times of armed conflict, Article 8(2)(b)(iv) of the Rome Statute governs the violation of damaging the natural environment under war crimes.²⁷ The criteria of the violation is that the attack would cause widespread, long-term, and severe damage to the natural environment.²⁸ However, there is no complete explanation regarding the threshold for widespread, long-term, and severe damage whether in conventions, treaties, or judicial decisions that is applicable towards Article 8(2)(b)(iv) of the Rome Statute. There has never been any case regarding Article 8(2)(b)(iv) of the Rome Statute in the International Criminal Court (“ICC”) due to the ambiguous threshold and therefore it is hard to fulfill the element of crimes for Article 8(2)(b)(iv) of the Rome Statute.²⁹

Under Article 25 of the Rome Statute, the Court shall have jurisdiction over natural persons pursuant to this Statute which means the ICC is a permanent international tribunal established to prosecute individuals for the most serious international crimes including genocide, war crimes, crimes against humanity, and the crime of aggression.³⁰ Individual criminal responsibility is governed under Article 25 of the Rome Statute with several mode including direct perpetration where an individual personally commits a crime within the jurisdiction of the ICC, co-perpetration under Article 25(3)(a) of the

²⁴ *Ibid.*

²⁵ Understanding Relating to Article I, Report of the Conference of the Committee on Disarmament, U.N.GAOR, 31st Sess., Supp. No. 27, at 91-92, U.N. DOC. A/31/27 (1976), (“**ENMOD UNGA**”), pg. 91.

²⁶ Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (adopted 10 December 1976, entry into force 5 October 1978) 1108 UNTS 151, (“**ENMOD**”), Art. 1.

²⁷ Rome Statute of the International Criminal Court (1998), 2187 UNTS. 3 (adopted 17 July 1998, entered into force 1 July 2002), (“**Rome Statute**”), Art. 8(2)(b)(iv).

²⁸ *Ibid.*

²⁹ Anne Dienelt, *Armed Conflicts and the Environment: Complementing the Laws of Armed Conflict with Human Rights Law and International Environmental Law* (1st edn, Springer 2022), (“**Anne Dienelt**”), pg. 45-46.

³⁰ Rome Statute, n. 27, Art. 25(1) and 5(1).

Rome Statute where individuals shall be held responsible for their contribution to the commission of a crime as a part of a joint criminal enterprise, indirect perpetration where individuals can be held responsible if they aid, abet, or assist in the commission of a crime under Article 25(3)(d) of the Rome Statute, soliciting and incitement where individuals can be held responsible for crimes if they incite, solicit, or induce others to commit those crimes under Article 25(3)(e) of the Rome Statute, mental element (*mens rea*) under Article 25(3) of the Rome Statute where individual can be held if they possess the required mental element including intent and knowledge.³¹ Lastly, commander responsibility under Article 28 of the Rome Statute where the responsibility of military or civilian superior for crimes committed by subordinates under their effective control shall be hold accountable to the commander.³²

One of the few real cases that impacted the natural environment in times of armed conflict was the Vietnam War.³³ The Vietnam War started in the 1940s where nationalist groups in several big cities such as Ho Chi Minh fought the colonialism of France. After an-eight-years war, from 1946, the French finally admitted their defeat in May 1954. Afterwards, Vietnam was split into two states, consisting of North Vietnam and South Vietnam. North Vietnam was under full control of the Vietnamese Communist Party, led by Ho Chi Minh, while South Vietnam was under the control of Bao Dai, the former Vietnamese emperor.

During Diem's regime, South Vietnam faced several military and financial challenges. Therefore, to prevent further spread of communism, the US aided South Vietnam with military and financial support. In August 1964, the destroyer USS Maddox was attacked by North Vietnamese when they were on electronic surveillance patrol in the Gulf of Tonkin. President Johnson of the US then requested congressional support by creating the Gulf Tonkin Resolution to deal with future threats towards US forces in Southeast Asia.

In November 1964, the situation in Vietnam worsened because the communists attacked US military personnels and bases. The US fought back by doing air attacks towards North Vietnam. Therefore, in mid February 1965, the US began a bombing

³¹ *Ibid*, Art. 25, 25(3)(a), 25(3)(d), 25(3)(e), 25(3).

³² *Ibid*, Art. 28.

³³ Ronald H. Spector, 'Vietnam War - De-escalation, negotiation, Vietnamization' (Britannica) <<https://www.britannica.com/event/Vietnam-War/De-escalation-negotiation-and-Vietnamization>> accessed on 19 December 2023.

campaign against North Vietnam followed with more targets and more frequent attacks. However, in 1967, the war became dissatisfying due to the high number of civilian victims. Both parties became impatient with the war, hence the communists decided to simultaneously attack the US military during the Lunar New Year festival, or Tet in 1968. These attacks affected 36 of 44 provincial capitals, 64 district capitals, and more.

The term, “widespread, long-term, and severe” had caused controversy due to its vagueness. There has never been an agreed definition about these cumulative terms. Pursuant to previous opinions, past conflicts such as the Vietnam War does not even meet the prerequisites of Article 35(3) of the AP I.³⁴ Although during the Vietnam War the American herbicide operation, which is destructive towards the environment, has stretched for a long period of time, the United Nations would not be considered as fulfilled the “long-term” requirement as it does not upset the ecological balance of the whole region.³⁵

One of the recent cases for environmental damage in armed conflict is the destruction of the Kakhovka dam during the Ukraine - Russia war in June 2023. Russian forces began their full-scale invasion towards Ukraine on 24 February 2022 starting from Kyiv, the capital city of Ukraine, and Kharkiv, the country’s second largest city, to overthrow President Volodymyr Zelensky’s government.³⁶ In March, Russian forces took over the Kherson region to secure Ukraine’s coast to form a “land bridge” between the Crimean Peninsula.³⁷ Far more civilians were killed than in any other month of the war.³⁸ The last Ukrainian fighters surrendered to Russian forces in Mariupol, a port city and industrial hub on the Sea of Azov, after weeks of bombardment that killed thousands of civilians in May.³⁹ The fight ended with a siege of the Azovstal steel plant which became a symbol of Ukraine’s resistance.⁴⁰

³⁴ Anne Dienelt, n. 29, pg. 45.

³⁵ Dinstein Y, *The Conduct of Hostilities under the Law of International Armed Conflict* (1st edn, Cambridge 2004), (“**Dinstein**”), pg. 187-188.

³⁶ Matthew Mpoke Bigg, ‘How Russia’s war in Ukraine has unfolded, month by month’ (The New York Times, 24 February 2023) <<https://www.nytimes.com/article/ukraine-russia-war-timeline.html>> accessed 28 June 2023.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

The Kakhovka dam is located in the city of Nova Kakhovka in the Kherson region specifically on the Dnipro River about 30 kilometres east of the city of Kherson.⁴¹ The dam was built to hold back a reservoir estimated at 18 cubic kilometers of water from the Dnipro River.⁴² The dam and river provides water for the Kakhovka Hydroelectric Power Plant that produces energy.⁴³ The reservoir also played an important role to provide drinking water, irrigation and river transport.⁴⁴

On 6 June 2023, there was a violation towards the natural environment where the Kakhovka Dam in Kherson, Ukraine collapsed.⁴⁵ The result of the bombing gave a massive impact towards human and natural environment with floods.⁴⁶ The flood led to the destruction of villages, damaged crops, cutting water supplies and power sources, and other environmental problems.⁴⁷ UN Secretary-General António Guterres said, “At least 16,000 people have lost their homes.⁴⁸ UN and partners were rushing support to the affected areas, including drinking water, purification tablets, and other critical assistance. The tragedy was yet another example of the horrific price of war on people.”⁴⁹ According to the United Nations Country Team (UNCT) Ukraine, the destruction of the Kakhovka dam has led to urgent humanitarian assistance with the flood and also significant long-term impact towards larger geographical areas and population.⁵⁰ The flood has led to contamination of floodwaters and land resources with biological hazards such as sewage wastewater, industrial sites, fertilizer depots, and dead wildlife which increased the risk of waterborne diseases.⁵¹ It would also affect forestry where various species of pines are

⁴¹ ‘Ukraine dam: What we know about Nova Kakhovka incident’ (BBC News, 8 June 2023) <<https://www.bbc.com/news/world-europe-65818705>> accessed on 9 December 2023, (“**BBC News**”); Jonathan Yerushalmy, ‘Nova Kakhovka dam: everything you need to know about Ukraine’s strategically important reservoir’ (The Guardian, 6 June 2023) <<https://www.theguardian.com/world/2023/jun/06/nova-kakhovka-dam-everything-you-need-to-know-about-ukraines-strategically-important-reservoir>> accessed on 6 December 2023, (“**Guardian Kakhovka**”).

⁴² *Ibid.*

⁴³ *Ibid.*

⁴⁴ United Nations Ukraine ‘Potential Long-Term Impact of the Destruction of the Kakhovka Dam’ (9 June 2023) UNCT Joint Analytical Note, (“**UNCT Kakhovka**”), pg. 1.

⁴⁵ Susie Blann dan Vasilisa Stepanenko, ‘Major dam collapses in Southern Ukraine flooding villages as Moscow and Kyiv trade blame’ (*AP News*, 7 June 2023) <<https://apnews.com/article/russia-ukraine-war-kakhovka-dam-flood-evacuation-eecc9952c2d9f500c38b0a873f69438c>> accessed on 13 June 2023.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ United Nations, ‘Ukraine: Dam destruction ‘monumental humanitarian, economic and ecological catastrophe’: Guterres’ (UN News, 6 June 2023) <<https://news.un.org/en/story/2023/06/1137372>> accessed on 13 June 2023, (“**UN News Guterres**”).

⁴⁹ *Ibid.*

⁵⁰ UNCT Kakhovka, n. 44, pg. 1.

⁵¹ *Ibid.*

not suited for prolonged moisture exposure leading them to perish.⁵² This would also impact human life with the destroyed homes and mines that got swept downstream with the flood.⁵³

The Ukraine - Russia war is considered as an armed conflict pursuant to Tadic, where there is a resort of armed forces between two States.⁵⁴ Therefore, IHL is applicable towards the Ukraine - Russia war being an armed conflict. However with no legal institution to prosecute, the ICC took over where a violation during an armed conflict would fall under the jurisdiction of ICC as war crimes.⁵⁵ War crime is committed as part of a plan or policy of a large-scale commission of such crimes.⁵⁶ The applicable rules under IHL is the Four Geneva Convention of 1949 and its three Additional Protocols where under Article 35(3) and 55(1), it is prohibited to employ methods or means of warfare which are intended to cause widespread, long-term, and severe damage to the natural environment.⁵⁷ A similar provision can be found in the Rome Statute under Article 8(2)(b)(iv), intentionally launching an attack in the knowledge that such attack will cause widespread, long-term, and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.⁵⁸

The occurring problem was the threshold for “widespread, long-term, and severe” damages towards the natural environment in armed conflict under Article 8(2)(b)(iv) of the Rome Statute. Furthermore, another problem was the individual responsibility of the Kakhovka Dam collapse in Ukraine. However, under international law both in IHL and International Criminal Law (“ICL”), the applicable rules in times of armed conflict are still vague. Hence, the author is encouraged to research about, **“Protection of the Natural Environment in times of Armed Conflict.”**

⁵² *Ibid*, pg. 2.

⁵³ *Ibid*, pg. 2-4.

⁵⁴ Tadic, n. 10, para. 67.

⁵⁵ Rome Statute, n. 27, Art. 5(1).

⁵⁶ *Ibid*, Art. 8(1).

⁵⁷ Protocol Additional to the Geneva Conventions of 2 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I), of 8 June 1977 (adopted 30 November 1993, entry into force 1 March 1994) 1125 UNTS 3, (“**AP I**”), Art. 35(3) and 55(1).

⁵⁸ Rome Statute, n. 27, Art. 8(2)(b)(iv).

I.2 Statement of the Problem

Based on the background above, the formulation of the research problems are as follows:

- a. What are the thresholds for widespread, long-term, and severe damage to the natural environment in times of armed conflict under Article 8(2)(b)(iv) of the Rome Statute?
- b. How will the individual responsibility be actualised Article 8(2)(b)(iv) of the Rome Statute in the destruction of the Khakova dam?

I.3 Purpose and Benefits

I.3.1 Purpose

The purpose of this research is divided into two (2), which are as below:

- a. To find out the threshold for widespread, long-term, and severe damage to the natural environment during war crime under Article 8(2)(b)(iv) of the Rome Statute.
- b. To analyze the actualization of individual responsibility under Article 8(2)(b)(iv) of the Rome Statute in the destruction of the Kakhovka dam.

I.3.2 Benefits

Based on the objectives of this study, there are theoretical and practical benefits contained in this study, as follows:

- a. Theoretical Benefit

Through this study, we hope that we can obtain benefits such as the development of International Humanitarian Law specifically regarding the protection of the natural environment during armed conflict. Furthermore, we hope that International Humanitarian Law could develop by specifying the threshold for *widespread, long-term, and severe damage*.

- b. Practical Benefit

Through this study, we hope that the armed force will be able to obtain benefits such as preventing damages towards the natural environment during international armed conflict. We also hope that this study will be beneficial for the International Court of Justice in enforcing violations of damages to the natural environment during international

armed conflict. Furthermore, through this study we hope that we can determine concrete forms of individual responsibility for violation of the elements of crimes under Article 8(2)(b)(iv) of the Rome Statute.

I.4 Research Method

I.4.1 Type of Research

The type of research used for this research is normative juridical, which will approach theories, concepts, and examine international treaties or conventions, international customary law, jurisprudence, principles, and writings of highly qualified publicists that are related to this research. Normative juridical research is research on legal systematics, namely research that aims to identify meanings or bases in law. The researcher uses a normative juridical type of research because the researcher wants to examine the regulations governing the protection of the environment in conditions of armed conflict.

I.4.2 Data Collection Method

In this study, the author has used data collection techniques by studying documents that have data sources as follows:

I.4.2.1 Primary Legal Materials

Primary legal materials are primary legal sources of international law under Article 38(1) of the International Court of Justice (“ICJ”) Statute, which consisted of:

1. The Rome Statute of the International Criminal Court;
2. The four 1949 Geneva Conventions and their Additional Protocols;
3. The Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques (The Environmental Modification Convention or ENMOD);
4. Customary international law; and
5. General principles of law.

I.4.2.2 Secondary Legal Materials

Secondary legal materials are secondary legal sources of international law under Article 38(1) of the ICJ Statute, which consists of judicial decisions and writings of highly qualified publicists. These legal materials are in all forms which are not official documents such as textbooks, law journals, comments on court decisions which are highly related to the issues examined in this study.

I.4.2.3 Tertiary Legal Materials

Tertiary legal materials are legal materials that provide additional information and explanations regarding primary and secondary legal materials. These materials consist of dictionaries, articles and news contained on the internet, and news by acknowledged institutions such as the United Nations ("UN").

I.4.3 Tertiary Analysis Methods

The legal materials that have been obtained have been analyzed to explain the protection of the natural environment in times of international armed conflict. Those materials will also provide further assistance in determining concrete forms of individual responsibility for the Kakhovka dam collapse in Ukraine.

I.5 Systematics of the Writing of the Thesis

The systematics of this writing will be divided into several stages which are referred to as chapters, where in each chapter each problem will be described with a context that is related to one another. This writing will be written in five chapters, each of which will be structured as follows:

CHAPTER I: INTRODUCTION

This chapter will contain general matters, which consist of background, statement of the problem, purpose and benefit of writing, research methods, and writing systematics.

CHAPTER II: INDIVIDUAL CRIMINAL RESPONSIBILITY FOR WAR CRIMES IN THE DESTRUCTION OF THE KAKHOVKA DAM

In this chapter, the author will review various theories from IHL regarding damage towards the natural environment and individual responsibility. This chapter will first discuss environmental protection based on the four 1949 Geneva Conventions and their additional protocols along with the basic principles of IHL. In addition, this chapter will examine the threshold of environmental damage violations described in Article 8(2)(b)(iv) of the Rome Statute, namely "*widespread, long-term, and severe.*" Finally, this chapter will discuss theories regarding individual responsibility under ICL.

CHAPTER III: THE DESTRUCTION OF THE KAKHOVKA DAM

In this chapter, the author will discuss the destruction of the Kakhovka dam that occurred in Ukraine during the war between Ukraine and Russia. This chapter will explain the case in *das sein* terms.

CHAPTER IV: ANALYSIS REGARDING THE INDIVIDUAL CRIMINAL RESPONSIBILITY FOR CASES OF ENVIRONMENTAL DAMAGES IN THE CONTEXT OF ARMED CONFLICT

This chapter will analyze the case of the Ukrainian dam collapse. The theories presented in Chapter 2 will be applied to the cases listed in Chapter 3 so that they can be studied judicially in Chapter 4. In this chapter, the author will discover violations of environmental damage in the case of the collapse of the Kakhovka Dam in Ukraine based on the theory presented in Chapter 2. In addition, the author will also discover forms of accountability for these violations.

CHAPTER V: CONCLUSION

In this final chapter, the author will draw conclusions from the results of this legal writing presentation and include suggestions for the results of this legal research. The conclusions drawn are based on the material and discussion listed in the previous chapters.