



ASSOCIATION OF REINTEGRATION OF CRIMEA

France, Paris, 14 Avenue de l'Opera, 75001 Ukraine, Kyiv, 56 Kharkivske highroad, 02175
arconstructionofcrimea@gmail.com

23.06.2023 № 571/2023

To UN Special Procedures (Special Rapporteur on the right to development)

Russian Aggression in Ukraine and Current Challenges for the Sustainable Development

Experts Borys Babin, Andrii Chvaliuk, Viktor Filatov, Olexiy Plotnikov, Anna Prykhodko

Our Association of Reintegration of Crimea (ARC)¹, as non-governmental expert and human rights organisation², passed long-term researches, related with human rights and humanitarian issues. Since 2020 we sent more than 100 submissions and proposals to UN, OSCE and CoE human rights' strictures, including issues of violation the sustainable development and relevant ecologic rights, major part of them were published in the official web-sources³⁴.

On 2021 Our Association submitted to the UN the proposals on two Crimea-related natural objects to the researchathon on sacrifice zones and human rights proposed by the UN Special Rapporteurs, for their forthcoming report on toxic-free environments in which to live, work, study and play to be discussed in UN on 2022. UN rapporteurs intend to highlight the egregious problem of places that are being subjected to severe toxic pollution and risks of climate changes, including emergency disasters.

Sending Association's answers for to Human Rights Council's report outlining a vision for the future in reinvigorating the right to development in September 2023 and to the General Assembly's report on the role of business in realizing the right to development

Since 2014 Crimean peninsula was illegally occupied by Russia. Since 24th of February 2022 Russia committed broad and open military aggression to all Ukraine's territory. Russia refused to execute the ICJ order in this case to stop the aggression⁵.

Russia-controlled troops and mercenaries committed in Ukraine, during this invasion, gross violation of international humanitarian law and international human rights' law already, including broad crimes against property, social and cultural rights and environment, attacks on forests, dams, national parks, riparian and maritime ecosystems, also as against Ukrainian agricultural enterprises⁶⁷⁸⁹¹⁰¹¹¹².

All war crimes, committed by Russian invaders during ongoing hostilities, are connected with absolutely clear Russia's war targets in maximal destruction the civil infrastructure and environment, including objects, essential for all Ukrainian ethnic and social groups¹³. Those issues now are the subject of the investigation the International Criminal Court.¹⁴

¹ <https://arc.construction/>

² https://www.journal-officiel.gouv.fr/associations/detail-annonce/associations_b/20210005/1348

³ https://www.ohchr.org/sites/default/files/2021-11/ARC_Submission_Responces_Toxic_01_11_2021.doc

⁴ <https://www.ohchr.org/sites/default/files/documents/issues/toxicwaste/toxics-indigenous-peoples/inputsreceived/2022-07-13/association-reintegration-crimea.pdf>

⁵ <https://www.icj-cij.org/en/case/182>

⁶ <https://sofrep.com/news/russian-soldiers-gang-raped-ukrainian-woman-as-her-child-was-crying-in-the-next-room/>

⁷ <https://www.icj-cij.org/public/files/case-related/182/182-20220307-PRE-01-00-EN.pdf>

⁸ <https://www.bbc.com/ukrainian/features-60888528>

⁹ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

¹⁰ <https://www.bbc.com/news/world-europe-60547807>

¹¹ <https://news.un.org/en/story/2022/03/1113652>

¹² <https://www.hrw.org/news/2022/04/03/ukraine-apparent-war-crimes-russia-controlled-areas>

¹³ <https://www.washingtonpost.com/world/interactive/2022/ukraine-before-after-destruction-photos/>

¹⁴ <https://www.ice-cpi.int/ukraine>

Due to gross violation the human rights Ukraine filed an application to the European Court of Human Rights¹⁵. Russian government refused to execute the demand of the ECtHR and the order of ICJ to immediately suspend the military operations.¹⁶

UN General Assembly in its resolution ES-11/1 on 2 March 2022 recognized that the military operations of Russia inside the sovereign territory of Ukraine are on a scale that the international community has not seen in Europe in decades¹⁷. UN General Assembly in its resolution ES-11/2 on 24 March 2022, demanded again full respect for and protection of objects indispensable to civilian population's survival and civilian infrastructure¹⁸.

The UN Human Rights Council adopted on 12th of May a resolution on the deteriorating human rights situation in Ukraine where pointed that Russia should immediately cease its aggression. Those decisions are not executed by Russian troops, Russia-controlled mercenaries and terroristic groups, which established policy of terror and repressions over the Russia-occupied territories of Ukraine^{19,20}.

Till June 2023 more new crimes were committed by the Russian troops, including destruction objects of civil infrastructure, forests, dams and other melioration systems by mines explosions, missiles and artillery. Russian forces destroy and loot the technical equipment of Ukrainian forestry and melioration management and of national parks in Kherson and Zaporizhzhya regions en masse.

Corresponding negative impacts of Russian aggression against sustainable development that make impossible its reinvigorating include atmospheric pollution due to mass extensive emissions of combustion products, the destruction of thousands of square kilometers of forests and plantations near frontline, as well as natural soils in the combat zone close to the Crimea, the intervention of the Russian occupiers in the melioration management and natural watercourses in Southern Ukraine. All this illegal Russia's activities give strong negative impact on the rights of population of Russia-occupied areas.

Also, the negative impact to sustainable development and climate includes the destruction of ecosystems important for oxygen exchange of the Black and Azov seas due to their pollution by oil products and chemicals from Russia's naval vessels and their missile ammunition during Russia's maritime aggression, as well as changes in ecosystems, caused by the mass death of mammals and fish due to noise and explosive pollution under time of sea activity²¹.

Special risks arise in this zone regarding potential changes in the hydrogen sulfide layer located in the deep-water part of the Black Sea, and corresponding emissions, in particular due to explosive processes. Such changes also include an indirect impact through Russian attacks on Ukrainian nuclear power facilities, such as the Zaporizhzhia NPP, and on Ukrainian green energy facilities in occupied territories and war zones. Potential risks include nuclear incidents caused by Russian military and terrorist activities and the detonation of underwater gas tunnels in the Black Sea by the Russian invaders.

Since the level of hostilities in Ukraine is unprecedented for modern humanity and has no clear prospect of minimization in the coming months, the above risks and challenges have a strong and direct impact on the issue of sustainable development and of role of business in its reinvigorating.

New challenges for the issue of sustainable development and of role of business in its reinvigorating were caused by destruction the dam of Kakhovka Hydroelectric Power Plant (HPP) on Dnipro River by Russian military units, that happened on 6 June, 2023.

¹⁵ <https://hudoc.echr.coe.int/eng-press?i=003-7282553-9922068>

¹⁶ <https://www.icj-cij.org/public/files/case-related/182/182-20220316-ORD-01-00-EN.pdf>

¹⁷ <https://digitallibrary.un.org/record/3959039?ln=ru>

¹⁸ <https://digitallibrary.un.org/record/3966630?ln=en>

¹⁹ <https://hromadske.radio/en/news/2022/03/09/members-of-the-wagner-group-have-been-killed-in-ukraine>

²⁰ <https://www.bbc.com/news/world-europe-60547807>

²¹ https://web.archive.org/web/20230605173116/https://www.parismou.org/system/files/195%20-%20ARC_Submission_IMO_ILO_FAO_04_06_2023.pdf

Ukraine's Operational Command Pivden (South) has reported that the Russian occupation forces have blown up the Kakhovka Hydroelectric Power Plant (HPP), with Kherson Oblast Military Administration confirming this information²². Engineering and munitions experts have said a deliberate explosion inside the Kakhovka dam, which is controlled by Russia, most likely caused its collapse on June 6²³²⁴.

Ukraine's President pointed on June, 6 that Russia deliberately destroyed the Kakhovka reservoir by destruction the Kakhovka HPP dam²⁵. Ukrainian ecologic organizations point that hydropower dams have always been subject to high technological risks, they stress that the consequences of this criminal destruction of the Kakhovka HPP, include:

- destruction and significant disruption of ecosystems in the Kakhovka reservoir and the water bodies that flow into it, as well as the areas downstream of the Dnipro River, the Dnipro Estuary, and the disturbance of ecosystems in the coastal area of the Black Sea;
- unpredictable deposition of river sediments and eroded materials from the land surface;
- death of cattle, livestock, domestic animals, animals in zoos, the corpses of which in hot weather will contaminate water and pose a danger of spreading infectious diseases;
- pollution of the Dnipro River's waters – primary pollution resulting from the washing away of garbage, agrochemicals, and other hazardous materials, as well as the flooding and disabling of wastewater treatment systems and sewage systems; this leads to secondary pollution caused by the disturbance of sediment layers, where pollutants have accumulated for decades;
- erosion, displacement of mines and other explosive materials, increasing the mine risks²⁶.

Ukraine informed International Criminal Court about the destruction of Kakhovka HPP and representatives of Prosecutors' Office of International Criminal Court visited disaster area on June, 10.

Also on June 10 the Ukrainian Parliament has adopted a resolution on an appeal to the UN, parliaments and governments of its member states, international organisations and their parliamentary assemblies in connection with the Russians blowing up the Kakhovka HPP.

Appeal says that the Kakhovka HPP was mined by the Russian invaders immediately after its capture in the first weeks of the full-scale invasion of Russia in Ukraine, and the destruction of the plant became another pre-planned act of state terrorism.

Appeal noted that this crime of the Russian Federation is not only an act of terrorism, ecocide, but also a war crime in accordance with the Geneva Convention on the Protection of Civilians during War of 1949, its Additional Protocol of 1977, as well as a violation of the UN Convention on the Prohibition of Military or Any Hostile Use of Means of Influence on the Natural Environment of 1977.

Appeal urged to strongly condemn the Russian terrorist act committed at the Kakhovka HPP and recognise the Russian Federation as a state sponsor of terrorism, and its actions as ecocide and genocide of the Ukrainian people²⁷.

UN Office for the Coordination of Humanitarian Affairs (OCHA) stressed on June 10 that the catastrophic effects of the flooding that followed the Kakhovka Dam destruction add to the immense human suffering caused by Russia's war on Ukraine²⁸.

UN OCHA said on June 9 that the UN was extremely concerned about the plight of civilians in areas under Russian military control and that it had no access to those areas in the Kherson region. UN OHCHR spokesperson Jeremy Laurence, told reporters on June, 9 that just like humanitarian actors, human rights monitors cannot enter the Russian-occupied territories, as Russia had denied the Office's repeated requests on the issue.

²² <https://www.pravda.com.ua/eng/news/2023/06/6/7405479/>

²³ <https://www.nytimes.com/2023/06/09/world/europe/ukraine-dam-collapse-explosion.html>

²⁴ <https://www.jordskjelv.no/meldinger/seismic-signals-recorded-from-an-explosion-at-the-kakhovka-dam-in-ukraine>

²⁵ <https://www.president.gov.ua/en/news/stvorena-rosijskimi-teroristami-katastrofa-na-kahovskij-ges-83449>

²⁶ <https://en.ecoaction.org.ua/destruction-of-the-kakhovka-hpp-preliminary-conclusions.html>

²⁷ <https://itd.rada.gov.ua/billInfo/Bills/Card/42091>

²⁸ https://twitter.com/OCHA_Ukraine/status/1667531704364331010

UN informed on June 9 that a UN Mine Action Service mine expert had been deployed to work with the UN Development Programme to assess the risks and that a map had been produced of the most heavily mined areas²⁹.

Head of the State Service of Sea and Inland Water Transport and Shipping of Ukraine, Yevgen Ignatenko stressed on June 8 that undermining of the Kakhovskaya HPP by the Russians will have catastrophic consequences for the future recovery of shipping in particular.

Destruction the Kakhovka HPP dam created danger not for Ukraine's internal shipping only. Uncontrolled moment explosion of some cubic kilometers of water will definitely change the navigational situation in Northern part of Black Sea adjacent to Dnipro-Bug Estuary. More, destruction the Kakhovka HPP caused pollution of Northern part of Black Sea adjacent to Dnipro-Bug Estuary by hundred thousands of ton of floating rubbish, including wood and plastic constructions and trees from flooded territory. Also the epidemic and mine danger became stronger in Northern part of Black Sea³⁰.

Regarding Black Sea currents in next days such danger situation appeared in territorial sea and exclusive economic maritime zone of Romania, than Bulgaria and later Turkey.

So by explosion and destruction Kakhovka NPP Russia violated the demands of international humanitarian and human rights law, also as maritime safety, guaranteed by the UNCLOS, SOLAS, MARPOL and STCW Conventions, and the immediate reaction of the international organizations was required³¹.

As ARC experts noted, the aggressor's undermining of the Kakhovka HPP became a separate crime of genocide, including the forced deportation of the population of the villages and cities adjacent to the Dnipro in the left-bank Kherson region, the destruction of their houses and the murder of those who cannot escape flooding.

It was pointed out that these areas are the original and traditional place of residence of ethnic Ukrainians, and that this obviously became a bone in the throat for the occupiers, regardless of their criminal military plans' algorithms.

During the week after the occupants blew up the HPP, these allegations received a lot of evidence, this is the aggressor's refusal to allow UN assistance to the victims of flooding to the occupied Left Bank of the Kherson region, and the blocking of the flooded areas by the aggressor's troops and punishers³².

From the point of view of international law, such Russia's illegal acts can be considered as terrorism³³ as Russian forces conjunct the attacks on ecologic objects with politic demands. Czech Republic, Estonia, Lithuania, Latvia, Netherlands, Poland and Slovakia, also as European Parliament and Parliamentary Assemblies of NATO and Council of Europe recognized Russian politic regime as terroristic one already³⁴. Ukraine started some criminal proceedings regarding issues of destruction the ecosystem by Russian troops, with qualification of such activities as ecocide crime, but the whole concept of ecocide crime is not too develop in modern international law and have no conventional protection³⁵.

Relevant activities of UN bodies, in the context of climate change will allow intergovernmental bodies, governments of developing countries, environmental protection and human rights organizations, and institutions of the world's indigenous peoples to start a discussion and assessment of the forms of direct and indirect negative ecological and economic impact of Russian aggression in the field of sustainable development and climate change and the related rights of older persons, indigenous peoples, rights to food, water and sanitation.

²⁹ <https://news.un.org/en/story/2023/06/1137497>

³⁰ https://web.archive.org/web/20230619214026/https://www.parismou.org/system/files/2023%20-%20ARC_Submission_IMO_ILO_FAO_11_06_2023.pdf

³¹ <https://arcrimea.org/en/activity/2023/06/20/paris-mou-informed-member-states-about-russias-undermining-kakhovka-hpp/>

³² <https://arcrimea.org/en/news/2023/06/11/gondoliers-of-fortune-and-aggressors-genocide-of-left-bank-population/>

³³ <https://casebook.icrc.org/case-study/icty-prosecutor-v-galic>

³⁴ <https://arcrimea.org/en/analytics/2022/11/05/sevastopols-maritime-cotton-and-terrorist-states-blaming-through-victim/>

³⁵ <https://www.internationalcrimesdatabase.org/upload/documents/20221024T110657->

Prosecution%20for%20Ecocide%20as%20a%20weapon%20in%20armed%20conflict%20reflections%20on%20Crimea.pdf

The result should be the development of plans to counteract the corresponding negative processes at the level of international organizations, governments and non-governmental environmental protection structures, organizations of the indigenous peoples of the world, the inclusion of relevant issues in international documents of legal and political dimensions, in particular in the dimension of development the ecocide conventional criminalization, increased sanctions pressure and international recognition of the Russian regime terrorist one.

Also the above-pointed issues were discussed during the side-event “Impact on the climate change: Crimea, Indigenous Peoples and International Crimes” on Sharm el-Sheikh Climate Change Conference (COP 27) held by our experts together with Crimean Tatar Resource Center and Mission of Ukraine on 17 November, 2022.

Experts stressed on COP 27 that the main negative consequences for the indigenous peoples of Crimea, including the Crimean Tatars older persons, are the destruction or damage due to climatic changes of natural ecosystems and areas of traditional farming, namely: the desertification of the Western Crimea, the deforestation of the Crimean mountains, the destruction and disappearance of marine coastal aquatic complexes, the collapse of biosystems of the Azov seas, soil salinization of the Central and Eastern Crimea. All this negative consequences make negative impact on the agricultural potential of region.

Experts stressed on COP 27 the duty for the discussion and assessment by intergovernmental bodies, governments of developing countries, nature protection and human rights organizations, and institutions of the world’s indigenous peoples of the forms of direct and indirect negative environmental and economic impact of Russian aggression in the field of climate change and related rights of the indigenous peoples.

The result should be the development of plans to counteract the corresponding negative processes, at the level of international organizations, governments and non-governmental environmental protection structures, organizations of the indigenous peoples of the world, the inclusion of relevant issues in international documents of legal and political dimensions, in particular, in the dimension of increasing sanctions pressure and international recognition of the Russian regime as a terrorist.

More, it seems to be that negative climate changes are not the side effect of Russian aggression against Ukraine, but it is one of its major goals. As it is known the administration of Russian president use the narratives that the global warming and ocean level rise are allegedly useful for Russia as such situation will allegedly allow to develop actively the natural resources of Russia-controlled northern part of Eurasia.

So we call Special Rapporteur, also as all UN authorized bodies and agencies, also as their member states to pay a special attention to Russian illegal activities in Ukraine in framework of global risks for sustainable development, ecosystems, climate and relevant global human rights, including risks of climate change-induced disasters.

23rd June, 2023

Representative of the ARC
Dr. Borys Babin

