

The sea level rise has now become a global threat and is increasing alarmingly, challenging different areas of international law such as those related to statehood and protection of persons. Taking into consideration the possible legal effects of sea level rise on the questions of the law of the sea, the United Nations International Law Commission in 2019 included the topic of “Sea-level rise in relation to international law” in its long-term agenda and is looking ahead in order to develop appropriate legal solutions.

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## **The Ecology of War and Peace: Marginalising Slow and Structural Violence in International Law**

**by Eliana CUSATO. Cambridge: Cambridge University Press, 2021. x + 312 pp. Hardback: £85.00; eBook: £68.00. doi: 10.1017/9781108939812.**

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International law is a discipline of crisis.<sup>1</sup> Its responses to armed conflict are shaped by visible, tangible, and attributable forms of violence, leading it to miss slow and structural forms of violence. By failing to address such forms of violence, international law contributes to reproducing them. Eliana Cusato’s monograph intervenes in an *en vogue* field of international law due to the discipline’s rediscovery of the crime of ecocide. She investigates how international law governs the environment in times of armed conflict, and how its governance impacts economic, social, and cultural life when hostilities seize. In a discipline too often driven by instant crisis-mode thinking, her monograph reminds us of the importance to pause and self-reflect.

*The Ecology of War and Peace* sheds new light on well-covered territory within the legal academy. Why does international law fail to prevent structural inequalities and leave the most vulnerable behind? She points out that international law frames the world in very specific and manners and that its framings are inapt to capture and address less complex forms of violence. By exposing these framings, demonstrating how they operate, and suggesting a reconsideration of these current framings so as to rescue international law from its complicity in slow and structural forms of violence, this book makes an original contribution to the scholarship on environmental protection in armed conflicts. Cusato’s monograph is based on her doctoral dissertation, which she completed at the National University of Singapore under the supervision of Vincent-Joël Proulx. It has seven chapters, which are divided into two parts.

The first part justifies a change of framing by introducing the reader to concepts from critical literature and feminist and conflict studies. First, Galtung’s concept of “structural violence”, which refers to violence that has no identifiable perpetrator, but is embedded

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<sup>1</sup> Hilary CHARLESWORTH, “International Law: A Discipline of Crisis” (2008) 65(3) *Modern Law Review* 377.

in governance structures themselves that institutionalize and reproduce vulnerabilities.<sup>2</sup> Second, Nixon's concept, which is derivative of Galtung's structural violence, is "slow violence".<sup>3</sup> This is violence experienced by the poor through the long-term effects of environmental degradation and destruction. Additionally, the first part of Cusato's book highlights the inseparable nature of environmental, economic, cultural, and human rights issues for post-conflict peace, which is more than the absence of war.

The second part of her book is dedicated to international law practice. It demonstrates how international courts, tribunals, the United Nations Security Council, and truth and reconciliation commissions have responded to environmental harm and the plunder of natural resources in armed conflicts. It shows that the legality of attacks on the environment is not only a problem of the past, but also remains as pressing today as it did in the wars in Vietnam and Kuwait. For instance, in the fight against ISIS attacks on oil refineries remained a preferred strategy of armed conflict, despite the irreparable environmental harm they caused. This part further highlights the struggles faced by international criminal law regarding its core principles of causality and attributability when addressing the slow violence that results from these attacks.

Despite these observations, the book is not an unconditional critique of current international law practices. The book instead suggests that international law could be improved to better address structural inequalities if it changes its framings to accommodate for slow and structural forms of violence. The tentative nature of her suggestions, however, make me wonder whether she was plagued by the same doubts I felt when I finished reading her book. Is international law flexible enough to change the framings on which it is built and, if so, are international lawyers ready to take on such a courageous endeavour? For the sake of our discipline, I very much hope so.

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<sup>2</sup> Johan GALTUNG, "Violent, Peace, and Peace Research" (1969) 6(3) *Journal of Peace Research* (1969) 167.

<sup>3</sup> Rob NIXON, *Slow Violence and the Environmentalism of the Poor* (Cambridge and London: Harvard University Press, 2011).