

1 | **Tackle environmental destruction! For a binding international**
2 **environmental law architecture**

3
4 **Background**

5 1. In the 1990's, the international community had to face the resurgence of tremendous
6 violations of the human rights universally recognized in 1948: massive executions of prisoners,
7 forced displacements, massacres on ethnic bases and genocide were committed in both
8 former Yugoslavia and Rwanda. The United Nations first responded by creating two
9 International Criminal Tribunals, one for each conflict. A few years later, in 1998, the founding
10 Statute of a permanent International Criminal Court (ICC) was established in Rome by more
11 than one hundred countries that put together all the existing humanitarian international
12 treaties in one single text and signed it. The ICC, able to take action against any war crimes,
13 crimes against humanity and genocides committed at any time in any of its State parties,
14 became functional in July 2002.

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16 2. These international criminal jurisdictions are based on the same moral principle: war
17 crimes, crimes against humanity and genocides – in short, serious violations of human rights –
18 affect human dignity so harshly that if they are committed somewhere on a single human
19 being, all of humanity is concerned. That's why international law is at stake on these matters
20 and prevails on national jurisdictions. That's also why some national justices, standing by their
21 "universal jurisdiction" on international humanitarian law, can launch prosecutions on such
22 crimes even when they occurred in other countries. This whole international criminal justice
23 architecture is designed to fight against impunity and, thus, to prevent serious crimes to
24 happen again.

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26 3. In 2017, the global environmental situation has reached a critical point. In December 2015,
27 195 States gathered in Paris COP21 to agree that global warming must be limited to 1,5°C.
28 This means dramatic reductions of greenhouse gas emissions worldwide as soon as possible: if
29 not, the UN High Commission for Refugees states that up to 250 million people may be
30 displaced due to climate change by 2050. Meanwhile, with species extinctions reaching more
31 than 1 % each year, there is growing international scientific concern that a sixth mass
32 extinction of plants and animals has begun... According to environmental scientists Johan
33 Rockström (Stockholm Resilience Centre) and Will Steffen (Australian National University),
34 these are two among four "planetary boundaries" that have already been exceeded. These
35 "planetary boundaries" involve nine thresholds on core environmental issues (greenhouse gas
36 amount in atmosphere, biodiversity, but also ocean acidification, land use for crop,
37 consumption of freshwater...) beyond which human existence would be threatened. For these
38 scientists, four of them had been crossed in January 2015 because of human activity since the
39 industrial era.

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41 4. The causes of this environmental disaster are well-known: in a global fast-growing economy,
42 industries take more and more natural resources, and they dump more and more waste while
43 most states fail to implement national environmental laws. Locally, industrial environmental
44 degradation often leads to the death of an ecosystem in which life, vegetal, animal or human,
45 can no longer develop. Globally, the increase of greenhouse gas emissions or loss of
46 biodiversity somewhere has dramatic impacts on life elsewhere. The reality of atmospheric
47 pollution, the global consequences of local environmental damages, invite to think that if one
48 single community is affected the whole of humanity is concerned. For this reason, time may

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recognition of the crime of ecocide:**

51 have come to reshape international environmental law on the model of international
52 humanitarian law.

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54 5. Throughout the world, initiatives that present systemic solutions to the degradation of the
55 natural environment through an adaptation of public and criminal international law are
56 multiplying. Whatever the approaches (Land Law, Rights of Nature, Rights of Future
57 Generations, Human Right to a Healthy Environment, destructions of the environment
58 internationally described as Crime of Ecocide), all are part of an innovative socio-eco-
59 systematic perspective, according to which, human beings are an integral part of nature. This
60 emergence and convergence of initiatives is the expression of a historical movement in favor
61 of adapting international standards in the face of major environmental degradation.

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63 6. However, taking into account the global climate situation requires a moral and legal
64 responsibility that goes beyond the mere "declaration of intentions". Pollution and destruction
65 of our environment, as well as the depletion of natural resources, are rapidly progressing and
66 we are facing a great international legal vacuum to stop them: hundreds of international
67 treaties on various parts of the environment exist, but they are built on a fragmented vision of
68 nature and they lack binding legal force. By unifying these treaties under the logic of "planetary
69 boundaries" and by giving them the highest international legal value, it is time to establish a
70 legal landscape that would permit to try the perpetrators of the most serious environmental
71 crimes and most of all to prevent such future crimes so as to safeguard humanity and nature.

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73 7. The European Union has created a solid base for an ambitious environmental law.
74 However, there is still a need to reinforce these rules considering the environmental
75 emergency and the threat that some current governments represent to the international
76 efforts made to protect the environment and fight against climate change. Nature needs a
77 stronger protection within a binding environmental law architecture.

78 Resolution

79 In this context, we, European Greens:

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82 1. Recognize that current law and law enforcement at local, national, EU and
83 international level fails to addressing responsibility for many kinds of environmental
84 destructions.
85 2. Stress that some local environmental destructions have huge impact at the global level,
86 putting in danger the entire planet as well as the respect of human rights.
87 3. Call for the environmental law, within which criminal law, to be strengthened to
88 address responsibility for environmental destructions.
89 4. Considers that crimes against the environment should be punished at all levels, would
90 they be committed intentionally or not.
91 5. In that regard and as a first step towards more stringent environmental law, ask for the
92 EU and its member states to strengthen their laws against environmental crimes also
93 internationally considered as "crimes of ecocide".
94 6. Will work for a unification of all international environmental treaties (on oceans,
95 coasts, forests, mountains, etc.) in a one single text under the light of a normative
96 framework including "planetary boundaries". We will foster this vision within the

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107 European Union and the United Nations as a basis for the creation of an International
108 Environmental Court (IEC) in charge of the most serious violations of international
109 environmental law. The IEC should depend directly on the UN and thus should be
110 universal; its legal orders should be mandatory and should prevail on national
111 jurisdictions. The IEC and its founding statute would be the core of a binding
112 international environmental law architecture designed to punish and most of all to
113 prevent further destruction of nature.

114 We European Greens for future policies will elaborate within the coming year a common
115 position on:

- 117 1. The recognition of environmental destruction internationally described as crimes of
118 ecocide and defined as a serious and lasting harm to natural planetary communities and
119 their biogeochemical cycles and / or to an ecological system vital to the Earth's
120 ecosystem as necessary to maintain the current condition of life ; or other definition
121 for the most serious environmental crimes including their link with human rights
122 violations;
123 2. The architecture of jurisdictions that is needed to enforce a strengthened
124 environmental law at all levels: universal jurisdiction for national tribunals, a possible
125 European Court for Environment, the IEC or within the jurisdiction the ICC.

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