

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

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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.

15 |
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, agreed to holding the increase in the global average
28 | temperature to well below 2°C above pre-industrial levels and pursuing efforts to limit the
29 | temperature increase to 1.5°C above pre-industrial levels, recognising that this would
30 | significantly reduce the risks and impacts of climate change. This means dramatic reductions of
31 | greenhouse gas emissions worldwide as soon as possible: if not, the UN High Commission for
32 | Refugees states that up to 250 million people may be displaced due to climate change by 2050.
33 | Meanwhile, with species extinctions reaching more than 1 % each year, there is growing
34 | international scientific concern that a sixth mass extinction of plants and animals has begun...
35 | These present two out of nine "planetary boundaries", or nine thresholds on core
36 | environmental issues, beyond which human existence would be threatened. The concept has
37 | been introduced by a group of international scientists, led by Johan Rockström (Stockholm
38 | Resilience Centre) and Will Steffen (Australian National University), and comprises climate
39 | change, ocean acidification, ozone depletion, phosphorus and nitrogen cycles, biodiversity loss,
40 | land-system change, aerosol loading, freshwater consumption and chemical pollution¹.
41 | According to these scientists, four of the planetary boundaries, have, been crossed in January
42 | 2015 because of human activity since the industrial era.

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¹ Rockström, J., W. Steffen, K. Noone, Å. Persson, F. S. Chapin, III, E. Lambin, T. M. Lenton, M. Scheffer, C. Folke, H. Schellnhuber, B. Nykvist, C. A. De Wit, T. Hughes, S. van der Leeuw, H. Rodhe, S. Sörlin, P. K. Snyder, R. Costanza, U. Svedin, M. Falkenmark, L. Karlberg, R. W. Corell, V. J. Fabry, J. Hansen, B. Walker, D. Liverman, K. Richardson, P. Crutzen, and J. Foley. 2009. Planetary boundaries: exploring the safe operating space for humanity. *Ecology and Society* 14(2): 32

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Deleted: , these are two among four "planetary boundaries" that have already been exceeded. These "planetary boundaries" involve nine thresholds on core environmental issues (greenhouse gas amount in atmosphere, biodiversity, but also ocean acidification, land use for crop, consumption of freshwater...) beyond which human existence would be threatened.

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62 4. The causes of this environmental disaster are well-known: in a global fast-growing economy,
63 industries take more and more natural resources, and they dump more and more waste while
64 most states fail to implement and enforce national and international environmental laws.
65 Locally, industrial environmental degradation often leads to the death of an ecosystem in
66 which life, vegetal, animal or human, can no longer develop. Globally, the increase of
67 greenhouse gas emissions or loss of biodiversity somewhere has dramatic impacts on life
68 elsewhere. The reality of atmospheric pollution, the global consequences of local
69 environmental damages, invite to think that if one single community is affected the whole of
70 humanity is concerned. For this reason, time may have come to reshape international
71 environmental law on the model of international humanitarian law.
72

73 5. Throughout the world, initiatives that present systemic solutions to the degradation of the
74 natural environment through an adaptation of public and criminal international law are
75 multiplying. Whatever the approaches (Land Law, Rights of Nature, Rights of Future
76 Generations, Human Right to a Healthy Environment, destruction of the environment
77 internationally described as Crime of Ecocide), all are part of an innovative socio-eco-
78 systematic perspective, according to which, human beings are an integral part of nature. This
79 emergence and convergence of initiatives is the expression of a historical movement in favor
80 of adapting international standards in the face of major environmental degradation.
81

82 6. However, taking into account the global climate situation requires a moral and legal
83 responsibility that goes beyond the mere "declaration of intentions". Pollution and destruction
84 of our environment, as well as the depletion of natural resources, are rapidly progressing and
85 we are facing a great international legal vacuum to stop them: hundreds of international
86 treaties on various parts of the environment exist, but they are built on a fragmented vision of
87 nature and they lack binding legal force. By unifying these treaties under the logic of "planetary
88 boundaries" and by giving them the highest international legal value, it is time to establish a
89 legal landscape that would permit to try the perpetrators of the most serious environmental
90 crimes and most of all to prevent such future crimes so as to safeguard humanity and nature.
91

92 7. The European Union has created a solid base for an ambitious environmental law,
93 However, there is still a need to reinforce these rules considering the environmental
94 emergency and the threat that some current governments and corporates represent to the
95 international efforts made to protect the environment and fight against climate change. Nature
96 needs a stronger protection within a binding environmental law architecture.
97

Resolution

In this context, we, European Greens:

- 100 1. Recognize that current law and law enforcement at local, national, EU and
101 international level fails to addressing responsibility for many kinds of environmental
102 destructions.
- 103 2. Stress that some local environmental destructions have huge impact at the global level,
104 putting in danger the entire planet as well as the respect of human rights.
- 105 3. Call for the environmental law, within which criminal law, to be strengthened to
106 address responsibility for environmental destruction.
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- 118 4. Considers that crimes against the environment should be punished at all levels, would
119 they be committed intentionally or not.
- 120 5. In that regard and as a first step towards more stringent environmental law, ask for the
121 EU and its member states to strengthen their laws against environmental crimes also
122 internationally considered as “crimes of ecocide”.
- 123 6. Will develop a unifying and overarching Code of principles to bring coherence
124 between all international environmental treaties (on oceans, coasts, forests, mountains,
125 etc.) to create a binding and universal framework including “planetary boundaries”. We
126 will foster this vision within the European Union and the United Nations as a basis for
127 the creation of an International Environmental Court (IEC) in charge of the most
128 serious violations of international environmental law. The IEC should depend directly
129 on the UN and thus should be universal; its legal orders should be mandatory and
130 should prevail on national jurisdictions. The IEC and its founding statute would be the
131 core of a binding international environmental law architecture designed to punish and
132 most of all to prevent further destruction of nature.

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

- 135 1. The recognition of environmental destruction internationally described as crimes of
136 ecocide with a starting definition being that of a serious and/or lasting harm to natural
137 ecosystems and their biogeochemical cycles and / or to an ecological system vital to
138 the Earth’s ecosystem as necessary to maintain the current condition of life; or other
139 definition for the most serious environmental crimes including their link with human
140 rights violations;
- 141 2. The architecture of jurisdictions that is needed to enforce a strengthened
142 environmental law at all levels: universal jurisdiction for national tribunals, a possible
143 European Court for Environment, the International Environmental Court or within the
144 jurisdiction the International Criminal Court.
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