

Draft EGP Resolution

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

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

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24 3. In 2017, the global environmental situation has reached a critical point. In December 2015, 195
25 States gathered in Paris COP21 to agree that global warming must be limited to 1,5°C. This means
26 dramatic reductions of greenhouse gas emissions worldwide as soon as possible: if not, the UN High
27 Commission for Refugees states that up to 250 million people may be displaced due to climate
28 change by 2050. Meanwhile, with species extinctions reaching more than 1 ‰ each year, there is
29 growing international scientific concern that a sixth mass extinction of plants and animals has
30 begun... According to environmental scientists Johan Rockström (Stockholm Resilience Centre) and
31 Will Steffen (Australian National University), these are two among four "planetary boundaries" that

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32 have already been exceeded. These “planetary boundaries” involve nine thresholds on core
33 environmental issues (greenhouse gas amount in atmosphere, biodiversity, but also ocean
34 acidification, land use for crop, consumption of freshwater...) beyond which human existence would
35 be threatened. For these scientists, four of them had been crossed in January 2015 because of
36 human activity since the industrial era.

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

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

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56 6. However, taking into account the global climate situation requires a moral and legal
57 responsibility that goes beyond the mere "declaration of intentions". Pollution and destruction of our
58 environment, as well as the depletion of natural resources, are rapidly progressing and we are
59 facing a great international legal vacuum to stop them: hundreds of international treaties on various
60 parts of the environment exist, but they are built on a fragmented vision of nature and they lack
61 binding legal force. By unifying these treaties under the logic of “planetary boundaries” and by
62 giving them the highest international legal value, it is time to establish a legal landscape that would

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63 permit to try the perpetrators of the most serious environmental crimes and most of all to prevent
64 such future crimes so as to safeguard humanity and nature.

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66 7. The European Union has created a solid base for an ambitious environmental law: Natura 2000,
67 directive against environmental crimes, etc. However, we still have to fight for the recognition of
68 nature as a subject of crime, for the generalisation of environmental crimes within the EU and for
69 establishing that ecocides should be added within the gravest crimes as understood by
70 the Rome Statute.

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72 **Resolution**

73 In this context, we, European Greens:

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75 1. Recognize and define the crime of ecocide as a serious and lasting harm to natural planetary
76 communities and their biogeochemical cycles and / or to an ecological system vital to the
77 Earth's ecosystem as necessary to maintain the current conditions of life.

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79 2. In the short run, we support the demand by various movements of civil society to recognize the
80 crime of ecocide as a crime that can be prosecuted before the International Criminal Court
81 (ICC). For this, serious cases of environmental destruction, the health damage they cause, and
82 the threat to the safety of the planet they represent must be recognized as crimes. Recognizing
83 the crime of ecocide in peacetime would make it possible to try the perpetrators of the most
84 serious environmental crimes and thus engage the responsibility of the leaders of transnational
85 corporations, heads of state or directors of partner organizations.

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87 3. Demand that the EU strengthens its law against environmental crimes, recognizing the
88 environment as a subject and victim of crimes, and punishes the crime of ecocide. In order to do
89 so, the EU will create a specialized Court for health and environment.

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91 4. The EU should ask for the recognition of ecocide within the ICC through an amendment to
92 the Rome Statute.

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- 94 5. In the longer run (for a next European Greens Meeting), we commit to work on a unification of
95 all international environmental treaties (on oceans, coasts, forests, mountains, etc.) in a one
96 single text under the normative framework of “planetary boundaries”. This text will be
97 proposed by the European Union to the United Nations as a basis for the creation of an
98 International Environmental Court (IEC) in charge of the most serious violations of international
99 environmental law. So as to avoid ICC drawbacks including lack of cooperation by various
100 states, the IEC will depend directly on the UN and thus will be universal; its legal orders will be
101 mandatory and will prevail on national jurisdictions. The IEC and its founding statute will be the
102 core of a binding international environmental law architecture designed to punish and, most of
103 all, to prevent further destruction of nature.