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Statement of the Institute for Environmental Security, Senior Legal Adviser, Shirleen Chin, to the 22nd Session of the Assembly of States Parties to the International Criminal Court

December 7th, 2023

Madam President, Members of the Assembly of States Parties, Esteemed Delegates and Distinguished Colleagues,

Firstly, thank you for this opportunity to address the Assembly. Secondly, I wish to recognise the hard-working people at the Coalition for the International Criminal Court (CICC) for making this and every Assembly possible for us, civil society. It is my honour to present this statement on behalf of the Institute for Environmental Security (IES). Since becoming member of the CICC in 2015, IES has been present at every ASP and has consistently brought the environment to the table for discussion at official side events. This year is no exception as we organise yet another side event on December 12th, co-hosted by the Republic of Estonia and Romania, supported by Ukraine and the Office of the General Prosecutor of Ukraine, on “War-driven Environmental Damage in Ukraine”.

The International Criminal Court was established to end impunity for the most serious crimes of concern to the international community, ergo to make the world a better place for humanity. Due to an unfortunate set of circumstances, the crime of ‘wilful and severe damage to the environment’ was not included in the final draft of the Rome Statute.

Today, the world faces extremely serious environmental conditions both in peace and in war; conditions which have led to unbearable heat, droughts, floods, erosion of fertile soils, mass extinction of the animals and plants, irreversible poisoning of soils and water bodies, and the list goes on. The consequences of these environmental conditions are far-reaching and devastating. They have and will lead to, amongst others:

1. shrinking habitable land;
2. water scarcity;
3. violent conflicts; and
4. an unimaginable number of refugees and Internally Displaced People that can destabilise regional societies.

Yet, the Rome Statute, the legal foundation upon which the ICC stands, fails to adequately address this existential threat.

Therefore, there is an imperative and urgent need to amend the Rome Statute and fortify it through the inclusion of ecocide as a fifth crime against peace and to ensure a progressive and implementable policy paper on environmental crimes. As a start, there is already a groundbreaking legal definition of ecocide proposed by the Independent Expert Panel co-chaired by Prof. Philippe Sands and Dior Fall Sow in 2021. With it came a growing number of legislative initiatives worldwide to incorporate the concept ecocide. Chile and the EU are just two recent examples of growing support for the idea of criminalising ecocide. It is about time the ICC ups its game. This Assembly has the power to play a tremendous and historical role in reshaping the Court as it has in the last 25 years.

Esteemed Delegates, we are almost a quarter-way through the 21st century, which has been marked by growing inequality, conflict and environmental degradation. The destruction of our environment is no longer a silent crime but a grave offense against humanity and Earth. We call upon you to continue your unrelentless support for international criminal justice but this time, with a keen environmental lens.

Thank you for your attention.