

• STOP ECOCIDE FOUNDATION •

Statement to the 19th Session of the Assembly of State Parties to the Rome Statute of the International Criminal Court December 2020

Ladies and Gentlemen, Your Excellencies, Distinguished Delegates

The International Criminal Court is more relevant today than ever before, for a number of reasons.

Firstly, especially in times of crisis, the world needs a judicial mechanism whereby even those in the highest political positions may be held accountable, so that no perpetrator of the crimes of most serious concern to the international community may consider themselves above the law.

Secondly, in a highly globalised world it is essential to have a judicial mechanism whereby such crimes can be established in such a way as to be applicable across many jurisdictions, something that is built into the ICC with its emphasis on complementarity with the criminal justice systems of its member states.

At the same time, it is crucial that the crimes under the jurisdiction of the Court are indeed those which most “threaten the peace, security and well-being of the world”.

Ladies and gentlemen, there is one such crime taking place right now with impunity in many parts of the world which, despite discussion of it at the drafting stage a generation ago, remains missing from the Rome Statute to this day. It is a crime unrecognised in the legislature of most nations, and yet not only does it threaten the peace, security and well-being of the world, it threatens the very habitability of the Earth.

This crime is ecocide - the mass damage and destruction of ecosystems, committed in full knowledge of the attendant risks, which include massive biodiversity loss, soil depletion, serious disruption of food chains, lethal contamination of aquifers, dangerous weather system impacts and the exacerbation of climate change.

At last year’s ASP the large ocean states of Vanuatu and the Maldives, two of the most climate-vulnerable countries in the world and thus acutely aware of this global threat, had the courage to call for serious consideration of amending the Rome Statute to include a crime of ecocide.

This month, the MockCOP online conference - convened, led and attended by youth from 140 countries around the world in the absence of an in-person UNFCCC conference this year - issued a declaration and proposed a global treaty listing elements the delegates considered essential for a healthy future for humanity. This treaty would oblige states to criminalise ecocide at the national level “with penalties appropriate to its severity and consequences for humanity”, and in addition, to “support the introduction of a new international crime of ecocide capable of prosecution as a crime in the International Criminal Court”.

Our Foundation exists to help progress this legal route to protecting Earth’s precious life-support systems, and has convened a panel of international criminal and environmental law experts to draw

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up a legal definition of ecocide that could realistically be proposed to this Assembly by interested states.

We respectfully suggest to the Assembly that serious consideration of the inclusion of ecocide into the Rome Statute, as called for by Vanuatu and the Maldives, will not only have concrete benefits with regard to the prevention of the worst excesses of environmental destruction, but constitutes a genuine opportunity for the Court, in several ways.

Firstly, given its deeply serious implications for habitability of the planet, ecocide is of such weight and significance that it must be addressed at the international level. Adding this crime to the Court's sphere of jurisdiction will ensure the ICC lives up to its promise in a world of accelerating ecological collapse.

Secondly, as ecocide is committed first and foremost by corporate actors, criminalising it could enable the Court to function as it was intended - as a court that ends impunity for the most serious international crimes through international collaboration. Ecocide could be prosecuted in any ratifying jurisdiction, giving scope for a number of avenues to holding perpetrators to account.

Thirdly, it is an opportunity for the Court to influence global culture and mindset in a way that is highly conducive to bringing peace, security and well-being to the world. This is because criminal law helps to draw moral lines, and nowhere does it do that more strongly than at this Court. When ecocide becomes an international crime, the global community will begin to realise that we must treat not only each other but the web of life that sustains us with care and respect.

Ladies and gentlemen, your excellencies, distinguished delegates, it is time - indeed, long past time - to name the crime that threatens the future of our civilisation on this planet, and to actively help ensure its prevention. We invite you to support the call of the most vulnerable and to stand in solidarity with future generations. We invite you all to seriously consider amending the Rome Statute to include a crime of ecocide. Thank you.



Jojo Mehta
Chair of the Board

