The Future of Environmental Crime

## Ecocide: The Missing 5<sup>th</sup> Crime Against Peace

## The Problem

- UN's Global Environmental Outlook 5 (2012): anthropogenic impacts on the Earth System are unprecedented.
- Scientific agreement that humanity has exceeded at least three planetary boundaries.
- Ecocide, the extensive destruction of ecosystems; large scale land use change, pollution, open cast mining remains legal and profitable.
- No comprehensive international legal agreement to deal with environmental crime.

## The Solution

#### Make Ecocide the 5th Crime Against Peace:

The extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished

## Crimes Against Peace

Which threaten the peace and security of mankind Set out in Rome Statute

Crimes Against Humanity
 War Crimes
 Genocide
 Crimes of Aggression

### Well-being of all life

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### Well-being of all life

## Ecocide is the Missing 5th Crime Against Peace

- 1970s 1990s making ecocide the 5<sup>th</sup> Crime Against Peace was examined by the United Nations.
- When excluded in 1996 many countries objected.
- Ecocide essentially a crime during war time but not in peace time. (Article 8(2)(b) of the Rome Statute)
- Detailed research: The University of London's Report Ecocide: The Missing 5<sup>th Crime Against Peace</sup>

# damage & destruction

#### war

### Ecocide

#### conflict

# resource depletion

## Human-made Ecocide

Examples	M ining, unconventional fossil fuel extraction, deforestation
How law works	Prevent and restore Superior responsibility Strict liability Triggers UNEP's vision for a green economy Restorative Justice

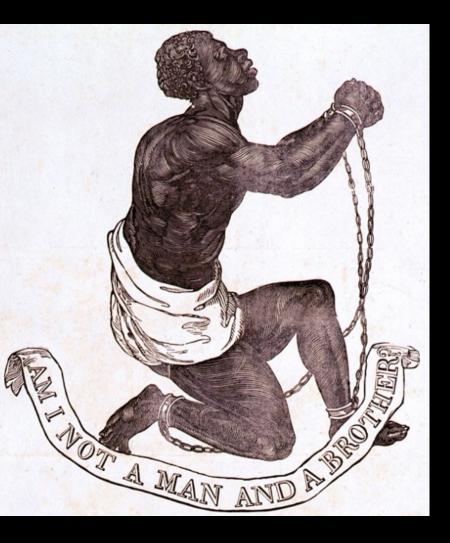
## Ecocide by other causes

Tsunamis, flooding, earthquake

Duty of care on states to provide assistance
Charter of the UN Article 73:
Members of the UN... recognise that the interests of the inhabitants are paramount, and accept as a sacred trust the obligation to promote to the utmost... the well-being of the inhabitants of these territories...
Charter of the UN, Article 75:
The UN shall establish ...an international trusteeship system for the administration and supervision of trust territories.

Examples

How law works

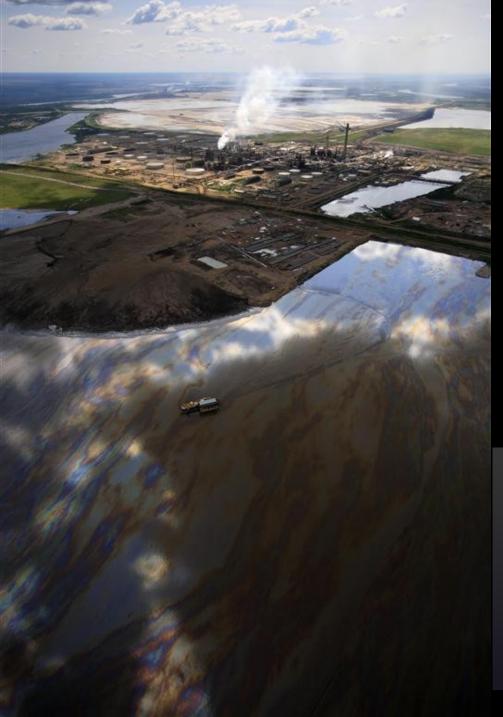


#### 200 years ago

300 companies said:1.necessity2.public demand3.economic collapse

#### Industry proposed

self-regulation limit numbers (cap) leave it to market forces tradeable permits improve conditions



Today 3000 companies say: 1.necessity 2.public demand 3.economic collapse

#### They propose:

self-regulation limit numbers (cap) leave it to market forces tradeable permits improve conditions

## Moral wrong = criminal wrong

Just because it is the norm to destroy the Earth does not mean that it is right

## ECOCIDE

crime against humanity crime against nature crime against future generations Missing 5<sup>th</sup> Crime Against Peace

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