The Future of Environmental Crime

Ecocide: The Missing 5th 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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Ecocide is the Missing 5th Crime Against Peace

- 1970s 1990s making ecocide the 5th 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^{th Crime Against Peace}

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

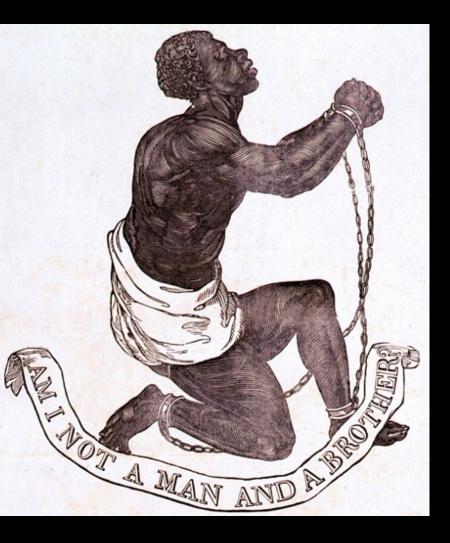
Ecocide by other causes

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

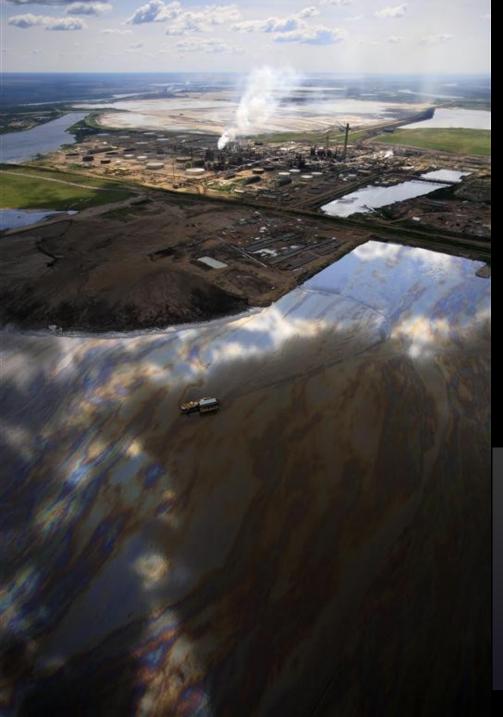


200 years ago

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 5th Crime Against Peace

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