R5new Criminalise Ecocide!

Proposers:

Agenda item: 4. Resolutions

Motion text

The exploitation of natural resources is the base of the current economic and productive model. This exploitation is not based on satisfying people's needs, but on the accumulation of wealth and power for very few at all costs. Therefore, it carries with it the destruction of ecosystems and the natural relations among wildlife and the context where all living beings thrive and grow. We must put an end to this exploitation of Earth. Climate activists and scientists have been warning about the great dangers of this exploitation and its connection to social, gender, and racial injustice across all societies. Moreover, in October 2021, the United Nations Human Rights Council recognised for the first time that having a clean, healthy, and sustainable environment is a human right, adding to the decades-long effort in international law to make the right to a healthy environment a human right – including the conclusion of the UN Special Rapporteur on Human Rights in 2019 that "human rights norms apply to the full spectrum of environmental issues"; and the determination of the United Nations Human Rights Committee, which decides on violations of the International Convention on Civil and Political Rights, in 2020 that access to a clean and healthy environment falls under the right to life.

During the last months, we could celebrate the success of environmental litigations against the actions of public and private institutions. For example, a French administrative court recognised that the French State could be held responsible for failing to meet its commitments to mitigate climate change; and the Dutch court ruled that the petrochemical giant Shell must cut its emissions and be in line with the Paris Agreement. We welcome these wins and look forward to more advances in this field. At the same time, we regret the fact that sanctions depend solely on the environmental laws at the national level. Crimes against nature know no borders, and therefore sanctions should also be prosecuted at the international level. Moreover, big polluters and corporations, following their neocolonial and imperialist agenda, harm the environment and natural resources of the Global South, taking advantage of the invisibilisation and systemic disregard of indigenous communities and their demands.

In this context, we consider that ecocide, following the definition of Polly Higgins as "1. Acts or omissions committed in times of peace or conflict by any

senior person within the course of State, corporate or any other entity’s activity which cause, contribute to, or may be expected to cause or contribute to serious ecological, climate or cultural loss or damage to or destruction of ecosystem(s) of a given territory(ies), such that peaceful enjoyment by the inhabitants has been or will be severely diminished. 2. To establish seriousness, impact(s) must be widespread, long-term or severe.”, should be included in the Rome Statute of the International Criminal Court (hereinafter simply Rome Statute). The sanctions imposed so far have been insufficient, and in most cases, the big corporations already include in their budgets paying fines for their environmental crimes. In the current context of climate emergency, we cannot accept mass destruction in exchange for money. Our rights are not for sale. The emissions, deforestation, and pollution of air and water will not stop as long as profit is put before people. In order to protect people, we need more legal tools. Criminalising ecocide would make it possible to prosecute those who do the most damage to the environment. Its power lies in the fact that it would make big polluters reconsider their actions, as they would be put in the same box as war criminals, and that is not good for business.

With this resolution, the Federation of Young European Greens:

- Denounces the exploitation or destruction of the environment performed by public and private institutions, and state and private actors, especially those of the Global North in the Global South through practices of (neo)colonialism and (neo)imperialism, and urges the corresponding institutions and actors to initiate processes for historical compensation.

- Urges the European Union to call on its Member States to implement national legal frameworks that align national and multinational companies in their territory to the EU Climate Law.

- Calls on all European states that have ratified the Rome Statute to propose and push for the adoption and ratification of the correspondent amendment to add the crime of ecocide in its list of crimes based on the draft law proposed by Polly Higgins, wherein the juridisction of the ICC for ecocide is explicitly expanded to include corporations.