Research Report

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Forum: *Environment Commission*

Issue: *Introducing ecocide as an international criminal offense*

Position: *President*

Introduction

The earth's countless ecosystems and environments have had to cope with human activities for millenia, but in recent years, humanity's industrial, military, and expansive ambitions have put an even greater strain on the environment. In this battle between nature and man, companies, governments and other institutions sometimes find that they have to sacrifice the environment in order to achieve their goals, which, in various instances, has led to great damage to, and at times even the complete destruction of, entire ecosystems. This phenomenon is sometimes refered to as ecocide.

The debate on the international criminalisation of activities which lead to ecocide is not a new one, but so far the discussion hasn't yielded any satisfactory results. Various organisations and individuals have pleaded for the recognition of ecocide since the 1970's, and this objective has not been abandoned since; there is still a desire to ensure that the perpetrators of ecocide are tried for their crimes. Furthermore, this should, according to the advocates of ecocide criminalisation, greatly help reduce the amount of damage done to the environment.

Establishing ecocide as an international criminal offense requires clear international recognition of ecocide as a crime. The Environment Commission should consider its legal options for doing so – simply passing a resolution or creating a Convention or Treaty. The Environment Commission will also need to consider which powers it has on its own in order to make sure perpetrators are actually tried – and which other institutions it might need to use, such as the International Court of Justice or the International Criminal Court. A pressing question in the case of ecocide is the fact that multinational corporations are often involved as perpetrators. However, while it may be possible to punish countries or individual statesmen, making sure that companies are tried for their crimes is even more complicated.

Definition of Key Terms

Ecocide:

The destruction of large areas of the natural environment or even entire ecosystems, by activities such as but not limited to nuclear warfare, overexploitation of resources, or dumping of harmful chemicals.

International criminalisation:

The introduction of legislation which will result in the recognition of something as a punishable crime internationally.

General Overview

In the past century, several major ecocides have occurred whilst those responsible for it were not always held accountable for their actions. One example of a major ecocide was the US military operation in Vietnam during which they used a powerful mixture of chemical defoliants called Agent Orange, which caused untold damage to the Vietnamese forests, with some estimates suggesting that 2 million acres of forest and land were destroyed as a result of this operation. Other examples of major ecocides include the damage suffered by the Great Barrier Reef, the Bhopal disaster.

As a response to events such as these, numerous attempts have been made to introduce ecocide as an international crime, and some nations, including Russia, Vietnam, Georgia, Ukraine and others already have legislation in place which penalise ecocide. Despite this, there is no current legislation which ensures the recognition of ecocide as an international crime, even though this has been attempted since the 1970's.

It is believed that the international criminalisation of ecocide is of vital importance when it comes to protecting the world's numerous ecosystems, since it could decrease the amount of damage done to the environment greatly. As long as activities which result in ecocide are not recognised as a crime, and therefore go unpunished, they will continue indefinitely. The question of what amount and type of environmental damage will be tolerable, and what will be considered an ecocide remains, however, and simply punishing all activities detrimental to the environment will do more harm than good for the population of the nations of earth, since the economic stability of several nations is at times heavily intertwined with an ability to manipulate and exploit the natural world.

Major Parties Involved

UN Environment Commission
As a part of the United Nations, the UN Environment Commission could recognize ecocide as an international criminal offense. It could encourage states to introduce legislation against ecocide within their own national jurisdictions, or it could use existing international courts, or it could establish a compliance mechanism of its own.

Major economies such as the United States, Russia, China, India, Brazil, European Union
These and other large nations are likely to have strong opinions and high stakes when it comes to introducing a new international legal concept. Some of them may be in favour but others are critical of the current international legal system already as it is.

Environmentally friendly nations and/or smaller nations
The nations that are currently considered most environmentally friendly, such as Sweden, may be most enthusiastic about introducing ecocide as an international criminal offense. Small nations which tend to suffer most from environmental damage, such as small island states, will likely be strong proponents too.

Multi-national corporations

Certain multi-national corporations have become notorious for their lack of care for the environment, and they have often been accused of being responsible for ecocides. One notable example would be the Bhopal disaster, which was the result of inadequate management by a subsidiary of Dow Chemical Company, which has its headquarters in the United States. It might therefore be wise to consider the role these companies play when it comes to ecocide and how they might be prevented.

Timeline of Events

1961-1971	US military operations in Vietnam devastate the local environment, inspiring discussion on environmental destruction, leading to the term "ecocide" being coined.
June 5-16, 1972	Notable individuals, including the prime-minister of Sweden, recognise ecocide as an international crime at the Stockholm Conference on the Human Environment.
December 2, 1984	Another major ecocide, the Bhopal disaster, does massive damage to the local environment. Considered the world's biggest industrial disaster.
1985	Report published which showed that proposals were made to extend the definition of genocide to include ecocide at a UN sub-commission. These proposals were sadly not accepted.
June 1998	Ecocide recognised as a war crime at a UN-sponsored conference in Rome.
October 2012	Yet another conference in Rome confirmed the importance of the international criminalisation of ecocide.

Previous Attemps to solve the issue

Since the 1970's, proposals have been made to introduce ecocide as an international crime. In this decade, several major conventions and conferences, such as the 1972 United Nations Stockholm Conference on the Human Environment, already saw the recognition of ecocide as an international crime by their attendees, sadly this did not result in any effective legislation regarding this topic being drawn up.

In 1985, a report was published by a temporary United Nations sub-commission, the Sub-Commission on the the Promotion and Protection of Human Rights, which showed that some of its members had expressed a desire to change the definition of genocide to include ecocide. This change was never realised.

At the conference in 1998 which founded the international criminal court, ecocide was officially recognised as a crime, but unfortunately not as an independent crime one could be punished for. It was found to be a crime only when in relation to war crimes.

In 2012, at a UN-sponsored conference on environmental crime held in Rome, the importance of the international criminalisation of ecocide was agreed upon, but once again no direct measures were taken to introduce ecocide as an international crime.

Possible Solutions

The problem could be resolved if individual governments pass legislation condemning and punishing acts of ecocide in the same way that nations such as Russia and Georgia have. Sadly the chances of most of the world's governments doing this is slim, but encouragement from the UN could help and inspire governments to pass such legislation. The Environment Commission could recognize ecocide as an international criminal offense and encourage states to establish national legislation based on this.

A possibly more effective solution, however, could be for the United Nations Environmental Commission to create its own legislation. The Environment Commission should consider its legal options for doing so. Delegates are encouraged to look into other international environmental Conventions or Treaties, such as the United Nations Framework Convention on Climate Change, as an example. Sometimes such Conventions include their own "compliance regime" in which a "compliance committee" checks whether countries live up to their promises. The options for punishment or sanctions of such a compliance regime vary but may not always be satisfactory. Delegates are therefore also encouraged to look into using the International Court of Justice (for countries) or the International Criminal Court (for individuals). Examples can be found in the area of human rights law. Delegates might consider how to use the concept of "crimes against humanity" or newer concepts such as "crimes against future generations".

In order to establish when action needs to be taken, the Environment Commission could describe in detail what scale of damage will be considered an ecocide, and what the punishment for various scales of ecocides will be. This should help discourage individuals or states from committing environmentally damaging crimes. A final pressing question in the case of ecocide is the fact that multinational corporations are often involved as perpetrators. However, while it may be possible to punish countries or individual statesmen, making sure that companies are tried for their crimes is even more complicated. Delegates are encouraged to think creatively.

Useful documents

http://eradicatingecocide.com/wp-content/uploads/2015/11/EL-Historical-Background-27.09.15.pdf

http://sas-space.sas.ac.uk/4830/1/Ecocide_research_report_19_July_13.pdf