United Nations Environmental Programme

Defining the individual criminal responsibility for Ecocide

Research Report

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"let us sing songs of freedom together"

Forum: United Nations Environmental Programme

Issue: Defining the individual criminal responsibility for Ecocide

Position: Chair of UNEP

Introduction

Ecocide is not a new notion, but as of 2021 it has a legal definition. Specifically, "any unlawful or arbitrary act committed knowing that it is very likely to result in serious, extensive, or long-lasting environmental damage." The crime's founders, a group of 12 jurists from civil society, are attempting to get it included in the Rome Statute of the International Criminal Court (ICC) as the fifth crime against peace.

During the Vietnam War, the U.S. Air Force sprayed more than 80 million litres of Agent Orange and other herbicides contaminated with dioxin, a deadly compound that continues to poison the land, the rivers, the ocean and the people.

According to Stop Ecocide International, a nonprofit organisation pushing for its recognition as an international crime that might be brought before the ICC in The Hague, ecocide can be regarded as a contributing factor to "the climate and ecological emergency facing humanity" when it is perpetrated repeatedly over decades.

Leaders of major corporations or government officials might be tried and sentenced to lengthy prison terms if the court regarded ecocide as an international crime. Furthermore, in compliance with Stop Ecocide International, examples include the destruction of the Amazon rainforest, significant oil spills, and other environmental catastrophes linked to mining, deep-sea fishing, or nuclear mishaps.

The increased support for introducing a crime of ecocide can be understood as part of a broader consciousness raising about the severity of the climate, pollution, and biodiversity crises facing our planet.

Climate justice is primarily a "soft law" at the moment, not an international crime. The International Criminal Court has the authority to bring charges, if there is law, in cases where the United Nations has failed to resolve the larger issue of justice through annual negotiations.

At a State and corporate level, those who have the authority to stop the serious harm are ultimately responsible for dangerous industrial activities and climate disasters. By requiring State and corporate responsibility for hazardous industrial and climate activities, ecocide law is a legal pathway that would considerably reduce climate chaos, safeguard millions of lives, and stop major harm. The history of ecocide law spans almost 50 years. Ecocide must be added to the list of the "most serious crimes of concern" before it can be criminalised on a global scale by one or more States Parties to the Rome Statute of the International Criminal Court.

Definition of Key Terms

Ecocide:

In international law: "*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.*"

Ecology:
The area of biology concerned with how organisms interact with one another and their physical environment.

Individual responsibility:
The readiness to put up significant personal effort to live up to those norms while also acknowledging the significance of the standards that society sets for human behavior.

Vietnam War:
A long, costly, and divisive conflict that pitted the communist government of North Vietnam against South Vietnam and its principal ally, the United States.

Agent Orange
A class of color-coded herbicides that U.S. forces sprayed over the rural landscape in Vietnam to defoliate trees and shrubs and kill food crops that were providing cover and food to opposition forces.

General Overview

The last decades, multiple events must be considered as Ecocide crime. However, no cases have resulted in sanctions concerning their environmental impact. Delegates should use past examples to get to know where they must consider an act as an ecocide.

Warfare Tactics

Every war is facing huge environmental consequences. Environmental issues exist in two major ways: direct and indirect. Even if delegates should be aware that nuclear power is concerned in both ways.
The direct way can be, for example, the use of nuclear bombs. As well as the wish to kill all the country's peoples, it could have a lot of environmental consequences: the demise of wildlife and biodiversity for a long and undetermined time. Moreover, there is the destruction of forests or territories for the creation of battlefields and trenches.
The indirect way can be in militaries consuming, they use enormous amounts of fossil fuels, which contributes directly to global warming. If the US military were a country, for example, it would have the 47th highest emissions total worldwide. Pollution from war contaminates bodies of water, soil, and air, making areas unsafe for people to inhabit.

Delegates should discuss sanctions about their environmental impacts during a war.

Fossil Fuels Exploitation

Fossil fuel companies are corporations that are primarily involved in the extraction, production and distribution of fossil fuels such as coal, oil, and natural gas. These companies play a significant role in meeting global energy demand but they also contribute to greenhouse gas emissions and climate change. Fossil fuels are responsible for almost three-fourths of the emissions from human activities in the last 20 years. All these fossil fuel companies are seen, nowadays, as a real part of the issue. However, we should keep in mind that their economical, social and climatic influence is impressively huge and raises complex questions about the role of these fuels in a changing energy economy, and also the position of these companies in the societies in which they operate. This is the reason why this whole industry is facing demands to clarify the implications of energy transitions for their operations, and to explain the contributions that they can make toward reducing GHG emissions and achieving the goals of the Paris Agreement. The Intergovernmental Panel on Climate Change (IPCC) states in their sixth report which warns about the huge consequences of fossil fuels exploitations: "Rapid and

far-reaching transitions across all sectors and systems are necessary to achieve deep and sustained emission reductions and secure a liveable and sustainable future for all."

Delegates should bear in mind that fossil fuels companies are committed in agreement and environmental non-compliance with these agreements must be penalized.

Grain Farming

Agricultural methods have intensified continuously ever since the Industrial Revolution, and even more so since the "green revolution" in the middle decades of the 20th century. Due to mondialisation and world's demand, modern agriculture needs to be more productive. According to World Bank figures, in 2016, more than 700 million hectares were devoted to growing corn, wheat, rice, and other staple cereal grains -nearly half of all cultivated land on the planet. Nowadays, three ways of intensive agriculture threaten the precarious balance of nonagricultural ecosystems.

Worldwide, irrigation's agriculture accounts for 70 percent of human freshwater consumption. "Experts predict that to keep a growing population fed, water extraction may increase an additional 15 percent or more by 2050." Irrigation makes it possible to produce the large harvests demanded by a population as large as the world's growing one. Many of the world's most productive agricultural regions have become economically dependent on extensive irrigation. One of the most obvious consequences is the depletion of river systems and water tables. However, irrigation also has other negative effects: irrigation leads to increased water evaporation, which has an impact on surface air temperature and pressure, as well as on atmospheric humidity conditions. Recent studies have confirmed that irrigation of cultivated land can influence rainfall patterns not only in the irrigated area, but also thousands of kilometers away. Irrigation has also been associated with coastal erosion and other types of long-term ecological and habitat destruction.

Moreover livestock grazing is an actual current issue, as well as unbalancing and mistreating animals destined for consumption - it impacts, in some places, tracts of forage land are so consumed that grasses can no longer regenerate. The root systems of native vegetation can be so damaged that species die out. Bare, compacted soil can lead to soil erosion and destruction of topsoil quality through nutrient run-off. These and other effects can destabilize a whole range of fragile ecosystems and wildlife habitats.

Finally, synthetic fertilizers containing nitrogen and phosphorus have been at the heart of agricultural intensification from the Second World War to the present day. They are particularly effective for cereal crops, whose growth has been explosive in recent decades. China, with its rapidly growing population, has become the world's leading producer of nitrogen fertilizers. While these chemicals have doubled the rate of food production, they have also contributed to a gigantic increase, perhaps as much as 600%, in reactive nitrogen levels throughout the environment. Nearly half of the nitrogen in synthetic fertilizers escapes from the fields where it is applied and ends up in the soil, air, water and precipitation. Nutrient pollution is one of the causes of toxic algal blooms in lakes in China, the USA and elsewhere. The decomposition of excessive amounts of organic matter in aquatic environments can lead to oxygen depletion and create "dead zones" in bodies of water, where nothing can reproduce.

Delegates should be aware of environmental and social consequences of using these consumption patterns.

Industrialisation

xxx

Capitalism

xxx

Economic Stability

xxx.

Major Parties Involved

Party involved

For parties involved, you can choose countries, governmental organisations, NGO's, committees or councils, etc. Write a short text about the party in general and in the case of an organisation or committee, what it does and why it has been established. You should also state clearly in what way the party is involved in this issue.

Party involved

[...]

Party involved

[...]

Timeline of Events

[1972]	[Swedish Prime Minister Olof Palme became the first head of state to use the word "ecocide" to refer to the massive destruction of the natural environment in Vietnam]
[1955-1975]	[The Vietnam War]
[1986]	[Chernobyl accident, when the fourth reactor of the Chernobyl nuclear po exploded, and unimaginable amount of radioactive substances escaped int
[2010]	[Deepwater horizon spill, which occurred on this oil platform, triggering a spread over 149,000 km^2]

Possible Solutions

Here, you should include around three possible solutions to the issue. If you think of a solution that favours one country specifically, you should also include ideas that favour countries with a different policy.

Sources

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