

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

- 1) Crimes Against Humanity
- 2) War Crimes
- 3) Genocide
- 4) Crimes of Aggression

Well-being of all life

Crimes Against Peace

Which threaten the peace and security of mankind

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- 1) Crimes Against Humanity
- 2) War Crimes
- 3) Genocide
- 4) Crimes of Aggression
- 5) Ecocide

Well-being of all life

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 5th Crime Against Peace](#)



Human-made Ecocide

Examples

Mining, 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

Examples

Tsunamis, flooding, earthquake

How law works

- 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.



200 years ago

300 companies said:

1.necessity

2.public demand

3.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

Louise@eradicatingecocide.com

www.eradicatingecocide.com