

Charter of Brussels

For the creation of European and International Criminal Court of the Environment and Health

Considering the inalienable human right to a healthy environment and the risk that the current level of biodiversity loss may be irreversible.

We, the initiating parties

- Recall and underline the principles and contents of all International Resolutions and International Declarations since the Declaration of the United Nations Conference on the Environment, adopted in Stockholm on June 16th, 1972;
- Recognise that the challenges go beyond borders and must be tackled at the supranational level;
- Affirm that the issue of excessive resource use implies damage, or even destruction of ecosystems whose functioning allows the maintenance and development of life; that this is demonstrated by the extinction of numerous plant and animal species; that human health is put at risk through the use of toxic products and in particular endocrine disruptors and carcinogens, mutagens and reproductive toxins;
- Observe that several initiatives have taken a constitutional approach to the preservation of the living (for instance, the new Constitutional Charter of Ecuador, the Conferencia Mundial de los Pueblos sobre el Cambio Climático y los Derechos de la Madre Tierra – Cochabamba, the Charter of the Environment in France);
- Underline the urgent need for action;
- Note that such a perspective requires the study and the evaluation of historical, anthropological, cultural, scientific, health-related, economic and political data;
- Consider therefore that this data needs to be translated into law in order to allow the preservation of the environment by means of effective, proportionate and dissuasive sanctions; indeed, certain choices and decisions, taken in full knowledge of the risks, may result in dramatic short and long-term consequences for resources, nature and human beings; that it is therefore important to ensure effective access to justice;
- Take note that numerous initiatives of various kinds exist today, carried out singly or with the support of other organisations, which all pursue a common goal through different yet complementary methods, likely to be implemented more or less rapidly; the most appropriate tools and solutions must be found to act together to implement what can be done immediately and coordinate efforts to achieve the best possible result for each initiative.

We, therefore, have decided to come together to issue the following statement:

1. Immediately, the signatory organisations will support all initiatives, currently existing or in

- preparation, which allow civil society to seize and judge, at least morally, those responsible for environmental crimes and offences who threaten global natural resources and human health; for instance the International Court of consciousness for crimes against Nature and the Environment, or the Court of the Peoples;
2. A second historical step could be taken by creating a EUROPEAN CRIMINAL COURT OF THE ENVIRONMENT AND HEALTH; following the July 10th 2010 hearing of Prof Abrami, the President of the International Academy of Sciences and the Environment, before the European Parliament's Committee for the Environment, on which a report commissioned by the policy department "citizens' rights and constitutional affairs" of the DG for internal policies of the European Parliament commented that¹: "The creation of a specialised Chamber in the European Court of Justice, or a specialised court attached to the General Court, with jurisdiction over environmental cases, could be a realistic medium-term goal"; the FME-ILE has supported the initiative which could result in a modification of the statute of the European Court of Justice; the recognition of the necessity of criminal sanctions for environmental crimes (directive 2008/99/EC) and the creation of a European criminal prosecutor could be seen as first steps in this direction; reinforcing sanctions and recognising the crime of ecocide as requested by the citizens' movement End Ecocide in Europe are also part of this process;
 3. An INTERNATIONAL CRIMINAL COURT OF THE ENVIRONMENT AND HEALTH is the ultimate goal. To achieve this, a revision of the statutes of the International Criminal Court (Art 121, 122 and 123) is possible, by introducing environmental catastrophe as one of the Crimes against Humanity, allowing the prosecution of those responsible who acted with intent. This crime of environmental catastrophe would facilitate an effective international protection of ecosystems, in the spirit of civil law precedents established by the International Court of Justice (the Trail Case, the Corfu Channel Case); from which the rule of international customary law is derived, according to which States have "the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction", reaffirmed by the Principle 21 of the Stockholm Declaration 1972 and the Principle 2 of the 1992 Rio de Janeiro conference;

The signatory parties similarly follow with interest, and some of them support the creation of a new crime called "ecocide" as fifth Crime against Peace.

Therefore, the initiating parties

1. Invite other interested organisations to support the request to create a European Criminal Court of the Environment and Health on the basis of the principles of effective, proportionate and dissuasive sanctions elaborated by the EU;
2. Invite interested organisations and global civil society at large to support the request to create an International Environmental Criminal Court of the Environment and Health by developing the current competencies of the International Criminal Court (ICC) through legal procedures provided for in the Treaty (revision and amendments) and by including environmental catastrophe as a new specific crime;
3. Consequently, ask the Secretary-General of the UN to take all necessary steps in order to:

- Catalogue Planet Earth's environmental emergencies with particular attention to the protection of health and related scientific and technological issues, as well as all cultural and anthropological aspects;
 - Set in train the necessary actions for the creation of an International Criminal Court of the Environment and Health, and effective sanctions for environmental infringements which have caused damage to people and ecosystems;
4. Invite interested organisations and civil society to support an initiative calling for recognition by the UN and the States of the "polluter pays" principle as a juridical principle of universal value backed by sanctions, to restore the ecological damage, to introduce real juridical and jurisdictional protection for resources in a spirit of effective multilateralism and solidarity;
 5. Decide, in any case, to organise themselves in a common platform in order to pursue and further specify this joint objective.