

# ***End Ecocide in Europe.***

***A Citizens' Initiative to give the Earth Rights***

[www.endecocide.eu](http://www.endecocide.eu)

# Agenda

- The main idea
- Ecocide
- The European Citizens' Initiative
- End Ecocide in Europe
- The Ins and Outs of the law
- How to get involved
- Q&A



**END ECOCID E IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# The main idea

**Destruction of our environment = crime**

A crime for which **those responsible**  
must be held **accountable**

This crime has a name: **Ecocide.**



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# What is ecocide?

Greek *oikos* = house, home

Latin *caedere* = strike down, demolish, kill

***Eco-cide* = killing our home**

Definition: ***extensive damage to, destruction or loss of ecosystems of a given territory to such an extent that the peaceful enjoyment by the inhabitants of that territory has been severely diminished*** (Polly Higgins)

Ecosystem: community of living organisms and their environment, exchanging matter and energy → of fundamental importance to maintain life on earth



**END ECOcide IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



## Ecocide as a crime

- Ecocide already is a crime in war time (Article 8(2)(b)(iv) Rome Statute: *“Intentionally launching an attack in the knowledge that such attack will cause [...]widespread, long-term and severe damage to the non-human environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated”*)
- In 2010, Polly Higgins proposed to the UN to amend the Rome Statute to include Ecocide as international Crime Against Peace
- End Ecocide as a crime in **Europe: our task!**



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# History

- Debated since 1948
- 1970: Conference on War and National Responsibility: Prof Arthur Galston proposes int'l agreement to ban “ecocide”
- 1972: UN Stockholm Conference on the Human Environment: Olof Palme spoke of Vietnam War as “outrage sometimes described as ecocide”
- 1973: Draft Ecocide Convention by Richard Falk; focus: environmental warfare – no intent necessary
- 1978: UN Sub-Commission on Prevention of Discrimination and Protection of Minorities proposes adding ecocide to the list of international crimes



**END ECOICIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



## History

- 1985: Whitaker Report → consider including ecocide as international crime
- 1990: Vietnam makes ecocide a domestic crime
- 1993: Ecocide listed as Crime Against Peace in the draft Code of Crimes Against the Peace and Security of Mankind
- 1995: withdrawn from draft Rome Statute and ICC
- 1996: Mark Gray's research published (from 1988) established a legal basis for the proposed crime of ecocide
- 2010: Polly Higgins proposed to UN Law Commission  
→ **Ecocide law works, discussed in all necessary committees at UN level – only political will needed**



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# European Citizens' Initiative

- Treaty of Lisbon, working since 2012
- Direct democratic tool
- **EU citizens can propose EU legislation**



***When 1 million EU citizens from at least 7 countries support a proposal, it has to be considered at EU level and might become law***

End Ecocide in Europe was registered by the Commission in January 2013 – that means the EU has the competence to propose such law – **first success!**



**END ECOCID E IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



## Particularities of the ECI

- EU national or resident old enough to vote can support - *big issue: some EU citizens excluded!!*
- Data requirements [here](#) – some countries require passport or ID number
- Signing online or on paper – online on collection system provided by the Commission – make sure you get a signature ID
- Minimum number of votes needed per country [here](#)
- **Make use of your right to influence policy-making, make use of your right to vote**

Date: 25/04/2013

Signature identifier: 3741fb76-56e4-4d9d-8c82-ed6235e6416b



**END ECOCIDE IN EUROPE**

www.endecocide.eu



# What happens when we reach 1 million votes?

*Legal duty to answer!*



- **Commission to carefully examine**
- **Organisers** to meet the Commission and explain the proposal
- **Public hearing** in the **European Parliament**
- **Formal response** by the Commission outlining which (if any) actions it will take
- Potentially, start of the legislative process for adoption of an **Ecocide Directive**



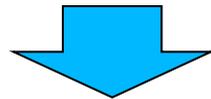
**END ECOCID IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



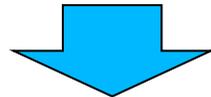
# Legislative process in the EU\*

Commission: Executive right to propose legislation



Parliament: Adapt or amend proposal

Simple majority



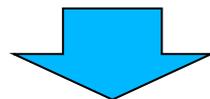
Council: Accept Parliament proposal  
or amend

Qualified majority:  
- 55% MS  
- 65% population

Simple majority



Law enters into force



Parliament: Accept amended proposal  
or propose amendments and return to Council  
or reject

Absolute majority

Simple majority



Law enters into force



No law

Absolute majority



\*Very simplified diagram of the ordinary legislative process

**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



## Our challenge

- Convince the Commission
- Convince at least 375 MEPs
- Convince at least 15 governments representing at least 65% of the EU population
- convince the national governments and parliaments to transpose the ecocide directive into national law and ensure its enforcement

But first of all: ***Reach out to at least 1 million EU citizens!!***



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# End Ecocide in Europe

Aims to criminalise ecocide in five cases:

- Ecocide committed on ***EU territory***; or
- Ecocide committed by ***EU citizens***; or
- Ecocide committed by ***EU-registered companies***, even when operating outside the EU; or
- The ***import*** of goods or services resulting from activities causing ecocide into the EU; or
- The ***financing*** of activities causing ecocide by EU banks and other financial institutions, no matter where these activities take place



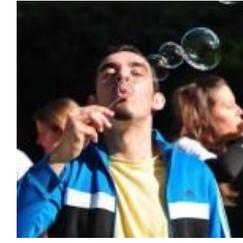
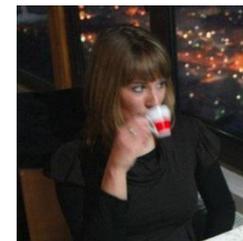
**END ECOICIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# About us

- All volunteers, no secretariat and no one is being paid
- EU-wide core team (citizens' committee)
- Country teams all over Europe
- Supporters and partner organisations
- Volunteers



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# Breaches of Rights

- 1) Have the rights to human life been disregarded? – **Crime against Humanity**
- 2) Have the rights to life of the non-human inhabitants been disregarded? – **Crime against Nature**
- 3) Have the culture and lifestyles linked to this environment been threatened? – **Cultural Ecocide (Ethnocide)**
- 4) Has the right to life of future generations been affected? – **Crime against Future Generations**
- 5) Is peace threatened by a degradation of living conditions? – **Crime against Peace**



**END ECOcide IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# What exactly is ecocide?

Test:

- 1) Is there damage or destruction of ecosystems?
- 2) Is that damage extensive?
  - a) Size must be extensive, OR
  - b) Duration must be long-term, OR
  - c) Impact must be severe
- 3) Has the peaceful enjoyment of the inhabitants been disturbed?

**We give NO definition of the exact size, duration or damage needed.**

One law the court can refer to: ENMOD (1977):

- a) "widespread": several hundred square kilometres;
- (b) "long-lasting": period of months, or approximately a season;
- (c) "severe": serious or significant disruption or harm to human life, natural and economic resources or other assets.



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# Who is responsible?

- Principle of **superior responsibility** → CEOs, heads of governments, bankers, etc, should assume their responsibility to make strategic choices taking into consideration the effect of their decisions on the environment and eventually be answerable for them
- No knowledge or intent necessary
- Anyone aiding or abetting ecocide
- Both, the person in position of superior responsibility, as well as the entity are guilty (i. e. the CEO and the company)
- The **consumer is not responsible**



## How to determine penalties?

- Currently, our proposal doesn't contain many details, the Commission/Member States will work on that
- Polluter responsible for any restoration costs (i. e. pay for the clean-up operations), any consequential losses arising from injury, loss of life, diminution of health or well-being of the inhabitants
- Restorative Justice: alternative to conventional justice; the offender can engage in a process with representatives of the victim to agree terms of restoration
- During proceedings, operations must be suspended
- If there is a risk of ecocide, operations must be suspended



# Existing EU legislation?

## Environmental Liability Directive (2004, transposed 2010)

- **polluter pays principle:** financial consequences of certain types of harm caused to the environment will be borne by the economic operator who caused this harm
- "environmental damage": damage to protected species and natural habitats, water and soil
- Operators carrying out dangerous activities in Annex III fall under strict liability (no need to prove fault); others liable for fault-based damage to protected species or natural habitats
- causal link between the activity & the damage always required



# Existing EU legislation

## Environmental Crime Directive (2008):

- provide for criminal sanctions for the most serious environmental offences (e.g. discharge of materials, dangerous industrial activities, hazardous radioactive substances, ozone-depleting substances, potentially causing death, serious injury or substantial damage to air, soil or water quality, animals and plants, killing or trading protected wild fauna or flora, habitat deterioration)
- Only offences if committed **intentionally or with serious negligence**
- Inciting, aiding and abetting must be punishable as well
- MS must implement effective, proportionate and dissuasive criminal sanctions, but: for legal persons the sanctions can be of a non-criminal nature.



## How is our proposal different?

- applies **criminal law** to environmental destruction, i. e. causing environmental damage will become a crime
- Hold decision-makers **personally liable**
- **No intent** is necessary
- Focus on **ecosystems** because of the primary importance of ecosystems to maintain life on earth (current legislation protects single elements of ecosystems independently) – more encompassing than existing directives
- Looks at **consequences** instead of risks – if a project has potentially devastating consequences, no matter how small the risk, it mustn't be implemented



## Can the law of ecocide work?

- Yes – a mock trial held in the Supreme Court of the UK in 2011 demonstrated that a law of Ecocide can work in practice
- Mark Gray demonstrated the legal grounds for a law of ecocide
- The Crime of Ecocide was going to be included as the fifth Crime Against Peace in the precursor to Rome Statute
- There is already an international crime against the environment during war time (Article 8(2)(b) Rome Statute)



**END ECOCID E IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



# When would the Directive enter into force?

- Law can never be applied retrospectively, this is about preventing ecocides in the future
- Transition period
  - Member States to adopt fiscal policies to re-direct investment towards non-ecocidal activities
  - Remove subsidies for ecocidal activities and instead establish subsidies for non-ecocidal activities
  - Foster innovation by re-directing investments to the Green Economy



# Why we need the law of ecocide

- Embrace a **holistic approach** to nature
- Protect the **right to life** of **current and future generations**
- Maintain and protect **biodiversity**
- Trigger the transformation to the **green economy**
- Law provides the framework we operate in and affects everyone – a small change in law can have a **big impact**
- Unless we get the big corporations to place people and planet before profits, we can't stop the rapid destruction of our planet
- Give CEOs, bankers, administrators and politicians a means to resist to lobbying and pressure



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



## A law whose time has come

- Scientific consent that climate change is happening and that humanity has is contributing to the destruction of our planet
- Tipping points
- Planetary Boundaries
- Crossed the 400ppm threshold in the atmosphere
- Price mechanisms (such as carbon trade, ecosystem services) have only shown limited results
- The technologies are there – what is needed is the political will and necessary investment to implement them on a large scale – the law of ecocide can **trigger that transformation**



# How to get involved

- Join the core team
- Join our country teams
- Volunteer → contact [ramon@endecocide.eu](mailto:ramon@endecocide.eu)
- Use your **creativity** – flashmobs, PR stunts, signature collection, action day on ecocide, hang up posters, create a movie...
- Encourage all your friends and family to sign and **spread the word!**

 End Ecocide in Europe

 EndEcocideEU



**END ECOCIDE IN EUROPE**



[www.endecocide.eu](http://www.endecocide.eu)



This is how you received the Planet from your parents.

This is how you will give the Planet to your children?



**END ECOCIDE IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)



***Thank you for your attention!***

**Any questions?**

Ask now or write to [prisca@endecocide.eu](mailto:prisca@endecocide.eu)



**More information**

- [End Ecocide in Europe website](#)
- [Commission website on the ECI](#)
- [Legislative process in the EU](#)
- [Mock trial on Ecocide](#)



**END ECOCID E IN EUROPE**

[www.endecocide.eu](http://www.endecocide.eu)

