

Research report

Forum:

General Assembly 6

Topic:

Strengthening International
Accountability for Ecocide and
Environmental Degradation

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Introduction

The environment is a deal and when we hurt it the whole world suffers. Pollution does not care about borders it just goes where it wants. When we cut down trees or animals disappear it affects a lot of people and the economy. Sometimes countries that did not do anything still get hurt. The problem is that no one country can fix this by itself. We need countries to work together and have rules that everyone follows so we can stop hurting the environment.

Environmental damage is not a problem for today it can last for a very long time. Animals can disappear forever. It can take a long time for the earth to heal. The United Nations said that we all have the right to a healthy environment.

Over time international law has changed to try to stop countries from hurting the environment. The Rio Declaration said that countries can use their resources, but they have to make sure they do not hurt other countries. The Sixth Committee of the General Assembly is trying to figure out how to make sure countries are responsible for the damage they cause. This includes things like state responsibility, criminal charges and making companies pay for the damage they cause.

Some people think that scale environmental damage also known as ecocide, should be considered a serious international crime.

Definitions of key terms

Ecocide

Ecocide is when someone does something that hurts the environment badly. Some people want to make ecocide an official international crime. This means that someone who does something that hurts the environment on purpose could be punished.

Environmental degradation

Environmental degradation is when the environment gets hurt, like when there is pollution or animals disappear. This is usually caused by people, not events.

International accountability

International accountability is when someone has to answer for what they did wrong. This could be a country, a company or an individual. They might have to pay for what they did or fix the problem.

State responsibility

State responsibility is when a country does something and has to pay for it. There are rules that say what a country has to do if they hurt the environment.

Corporate liability

Corporate liability is when a company does something and has to pay for it. This is different in countries.

Transboundary environmental damage

Transboundary environmental damage is when one country hurts the environment and it affects another country. This is a problem in international law.

International criminal law

International criminal law is when someone is punished for doing something wrong like hurting a lot of people or the environment.

Jurisdiction

Jurisdiction is who gets to decide what happens when someone does something. This can be complicated when it comes to damage.

General overview

Environmental protection is a part of international law now. A time ago there was a conference in Stockholm that started talking about the environment. Then there was another conference in Rio that made some rules about how countries should treat the environment. It is not easy to make countries accountable for what they do to the environment. Sometimes it is hard to figure out who did what. Countries are supposed to try their best to stop damage.

The International Court of Justice has helped with this problem. They said that countries have to work to protect the environment. There are some rules that say what countries should do to prevent damage. These rules are not laws. They are a good starting point. The big problem is that there is a gap between what the laws say and what actually happens. Countries make laws to protect the environment. They do not always enforce them. This gap exists because environmental crimes can be complicated and hard to investigate. Countries have to work to solve these crimes, but it is not always easy.

Some people think that we should make ecocide an international crime. This would mean that someone who hurts the environment on purpose could be punished. The Rome Statute already says that hurting the environment during war is a crime. There is no law that says hurting the environment during peacetime is a crime.

That is why some people want to make ecocide an official international crime. They think it would help stop people from hurting the environment. In 2021 some experts suggested making ecocide the international crime. They said it should include widespread or long-term environmental damage. This is not a law yet. It is something that countries can work with.

The environment is a deal, and we need to take care of it. We need countries to work together and have rules that everyone follows so we can stop hurting the environment. Environmental damage is not a problem for today it can last for a very long time. Animals can disappear forever. It can take a long time for the earth to heal.

We need to make sure that countries are responsible for the damage they cause. This includes things like state responsibility, criminal charges and making companies pay for the damage they cause. Some people think that scale environmental damage also known as ecocide should be considered a serious international crime.

We need to take care of the environment and make sure that everyone follows the rules. We can do this by working and making sure that countries are accountable, for what they do. The fight over ecocide is a deal and it brings up a lot of legal questions. People who support ecocide say that the worst environmental destruction is just as bad as serious international crimes. They think that if we make ecocide a crime it will make the people in charge think twice before they do something that hurts the environment.

There are also people who do not agree with this idea. They are worried that the laws will not be clear and that it will be hard to figure out who is responsible for the damage. They are also worried that we might accidentally make it a crime for companies to do business. We need to make sure that the laws are clear so that people know what they can and cannot do.

It is not always easy to decide what is widespread or long-term damage. There is a lot of room for argument about what should be considered a crime and what should not. Despite all these challenges ecocide is not an idea anymore. In 2024 some countries like Vanuatu, Fiji and Samoa asked the Assembly of States Parties to the Rome Statute to recognize ecocide as a crime.

Some countries are also making their environmental laws stronger. For example, the European Union made a law in 2024 that sets minimum standards for prosecuting environmental crimes. This law also says that countries should work together to prevent and punish environmental crimes.

International courts are also talking about ecocide. In 2024 the International Tribunal for the Law of the Sea gave an opinion about climate change and the law of the sea. The year the International Court of Justice gave an opinion about countries obligations to prevent climate change. The court said that countries have to work to prevent significant environmental harm and take responsibility for their actions.

All of these things show that international environmental law is changing. Ecocide is still not a universally recognized crime. So, countries have to think about how to improve their systems while still respecting each other's sovereignty and keeping their laws clear.

There are parties involved in this issue. The United Nations General Assembly is where big discussions about protecting the environment happen. The General Assembly Sixth Committee handles questions and develops rules about state responsibility. The International Law Commission. Codifies international law. The International Court of Justice settles disagreements between countries and gives advisory opinions.

The International Criminal Court prosecutes individuals for crimes that fall under its mandate. Right now it is only clear environmental crime is related to war. Recognizing ecocide as a peacetime crime would require political and legal decisions. The United Nations Environment Program leads on governance and law. It shows how important it is to have enforcement and access to justice.

Member states are also important in law. They do not all share the views, and their positions often depend on economics, vulnerability to environmental risks and how they see sovereignty. Small island states like Vanuatu have pushed hardest on the climate and environmental harm front.

Corporations also play a role in environmental degradation. How they are held accountable depends on where they operate. There is debate over whether international rules should address behavior more directly. Civil society and NGOs have shaped the conversation around law and ecocide. They bring know-how and perspectives from people facing the worst impacts.

Major parties involved

International Law Commission

The International Law Commission helps create and organize law. They worked on a project to prevent harm from activities that cross national borders and in 2001 they came up with some draft articles. These articles talk about preventing harm across borders and include principles about being careful notifying others working together and assessing the impact on the environment. The International Law Commission provides a foundation for talking about country responsibility and environmental damage that crosses borders.

United Nations Environment Programme

The United Nations Environment Programme supports cooperation to protect the environment and create environmental laws. Although it is not a court and does not decide if individuals are guilty of crimes its research and policies contribute to the discussion about environmental degradation and creating stronger laws.

Corporations and Other Private Actors

Companies can play a role in activities that hurt the environment like extracting resources, producing goods generating energy and building big infrastructure projects. This raises questions about how responsible companies should be for environmental harm and how to hold them accountable across different countries. Since international criminal law mostly focuses on responsibility making companies accountable is an important topic to discuss.

Civil Society and Non-Governmental Organizations

Non-governmental organizations, groups, Indigenous communities and other civil society actors contribute to the international debate by documenting environmental damage advocating for stronger environmental protection and proposing legal reforms. They can influence negotiations and raise awareness about the social and environmental consequences of severe degradation.

International Courts and Tribunals

International courts and tribunals help. Develop international environmental law. Their decisions can clarify rules, about country responsibility harm that crosses borders, jurisdiction and the obligation to prevent environmental damage. They play a role in determining how existing international laws apply to new types of environmental harm.

Timeline of Key Events

1972: The Stockholm Conference put environmental issues front and center.

1982: The UN General Assembly adopted the World Charter for Nature.

1992: The Rio Earth Summit gave us the Rio Declaration.

1998: The Rome Statute set up the International Criminal Court.

2001: The International Law Commission put forward documents on prevention of transboundary harm and state responsibility.

2010: The International Court of Justice delivered its decision in the Pulp Mills case.

2015: The United Nations adopted the 2030 Agenda and Sustainable Development Goals.

2016: The ICC's Office of the Prosecutor said it would take harm into account.

2021: An independent panel put forward a definition of ecocide.

2022: The General Assembly recognized the right to a clean, healthy and sustainable environment.

2023: The General Assembly asked the ICJ to give an opinion on countries' climate change obligations.

2024: The International Tribunal for the Law of the Sea weighed in with its opinion on climate change duties.

2025: The ICJ handed down its opinion on state duties related to climate change.

Previous attempts to solve the issue

The world has tried to create rules to stop damage and make people responsible for harming the environment. These rules usually only focus on specific problems and do not create a complete system to hold people accountable for ecocide.

Stockholm Declaration (1972)

A big meeting in Stockholm about the environment was a step forward. The Stockholm Declaration said that countries must make sure they do not harm the environment of countries or areas that are not part of any country. This was a step in connecting what countries can do and what they are responsible for.

Rio Declaration (1992)

The Rio Declaration went further. Said that countries must prevent environmental damage. It also said that countries should create rules about paying for damage. These rules helped create a basis for stopping environmental damage, but the Rio Declaration did not make ecocide a crime.

Rome Statute of the International Criminal Court (1998)

The International Criminal Court was created to deal with crimes like genocide and war crimes. The Rome Statute also helps protect the environment during wars. However, if someone harms the environment on purpose when there is no war it is not considered a crime. This has led to a lot of discussion about whether we need rules to protect the environment.

ILC Draft Articles on Prevention of Transboundary Harm (2001)

Some experts created rules to prevent harm to the environment that crosses borders. These rules focus on stopping problems and working together. However, these rules did not make ecocide a crime.

ILC Principles on the Allocation of Loss (2006)

Later these experts created rules about how to deal with environmental damage. These rules focus on making sure that people who are harmed get help and that countries work together. This was another attempt to deal with problems, but it did not create a system to hold people accountable for ecocide.

Proposal to Recognize Ecocide as an International Crime (2021)

In 2021 a group of experts proposed that ecocide should be considered a crime. They wanted to add it to the list of crimes that the International Criminal Court deals with. This proposal started a discussion about whether ecocide should be a crime and how it should be defined. However, this proposal did not change the rules, so ecocide is still not a crime.

Remaining Limitations

All these attempts show that the world has made progress in creating rules to protect the environment. However, there are still gaps. The rules are not the same everywhere. There is no universal rule that makes ecocide a crime. There are still questions about who is responsible how to prove it and how to balance protecting the environment with what countries want to do. These questions are a part of the discussion, about ecocide and the environment.

Possible solutions

There have been attempts to solve the issue of ecocide. International environmental law has tried a lot of things but there is still no single coordinated global system. We have seen "law" principles laid out in declarations, but they did not actually set up ways to enforce them globally.

Some possible solutions to the issue of ecocide include:

1. Defining ecocide internationally so that everyone is, on the page.
2. Amending the Rome Statute to make ecocide a crime.
3. Strengthening laws to prevent environmental harm.
4. Improving -border investigations to hold people and companies accountable.

Environmental harms do not stop at the border of a country. Countries need to find ways to share evidence help each other send suspects to other countries to face trial and work together on investigations. This is especially important when the harm is caused by people in different places.

5. Hold Companies Responsible

International rules could make companies tell us about risks manage these risks and work together to solve problems. The big question is: should we go after companies directly or make their countries hold them accountable?

6. Improve Environmental Monitoring

None of these solutions will work without data. Countries can use satellites to monitor the environment share data. Set up independent scientific reviews so everyone knows what is happening and who is responsible.

7. Make It Easier for People to Get Help

Holding people accountable is not about punishing them. We also need to restore the environment compensate people who have been affected and support them. There are tough questions: who should get compensation? how do we calculate the damage? Who should pay to fix things?

8. Help Countries That Are Still Developing

countries that are still developing do not have the resources or expertise to enforce environmental rules. International support, such as technology, training and funding can help these countries build their capacity while still allowing for solutions.

9. Increase Cooperation

Environmental issues do not care about borders. We need to share information align our standards and work closely on enforcement and damage assessments. Without cooperation it is hard to make progress.

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