Relevance of the Rome Statute for the Environmental Challenges faced by Small Pacific Islands related to Oceans and Climate

31st May 2019, Port Vila, Vanuatu
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Mobilising criminal law to protect people and planet
Climate Crisis: 21st Century Crime?

Accelerating sea level rise

Global mean sea level rise (mm)

Climate change accelerated sea-level rise ... R.S. Nerem, 2018

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Climate Crisis: 21st Century Crime?

10,000 yrs. Atmospheric CO2

- 411 ppm
- 350 ppm long term danger limit
- 300 ppm 800,000 year limit
- 278 ppm pre-industrial

Past 10,000 years

Future GHG Emissions

NATIONAL EMISSIONS TARGETS

- No policy
- National targets
- For 2°C (2100)
- For 1.5°C

UNEP GAP 2018

Mobilising criminal law to protect people and planet
(International) Criminal Law

• The international rule of (climate) law
• *Ultimum remedium*, protective and deterrent effect
• The ICC as a strategic forum
  • Crime of ecocide dropped at the late stage of drafting the Rome Statute at the behest of NL, UK and FR
• To advocate for a tougher approach to environmental crimes
  • Purpose to halt a number of dangerous industrial activities that are indiscriminate and transcend borders
  • The injustice of climate change effects
18th Session of the Assembly of States Parties to the ICC: 2nd to 7th December 2019, The Hague

EDI is set to organise 2 side events

- World Forum
  - 2016 OTP Policy Paper on Case Selection and Prioritisation
    - The ICC will “seek to cooperate and provide assistance to States, upon request, with respect to conduct which constitutes a serious crime under national law, such as the illegal exploitation of natural resources, [...] terrorism, financial crimes, land grabbing or the destruction of the environment.”

- The Peace Palace
  - Building a Toolkit to Fight (Climate) Ecocide

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THANK YOU!