

22ND SESSION OF THE ASSEMBLY OF STATES PARTIES TO THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT

HYBRID ASP SIDE EVENT

War-driven environmental damage in Ukraine

Credit: PLANET LABS PBC



Address

Japan Society (Murase Room)
333 E 47th Street, NY 10017



Date

December 12, Tuesday



Time

1:15 - 2:45pm (doors open at 1pm, lunch provided)



Co-sponsoring States



Permanent Mission
of Ukraine
to the UN



PERMANENT MISSION
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PERSPECTIVES ON THE APPLICATION OF THE ROME STATUTE AND THE WORK OF THE INTERNATIONAL CRIMINAL COURT

The scope of the war-driven damage to the environment in Ukraine should be assessed and prosecuted under the crimes listed in the Rome Statute. However, the threshold for damage to the environment during war as per Article 8(2)(b)(iv) is high and this requires significant investigation efforts and capabilities from the International Criminal Court (ICC) and national enforcement bodies. The ICC lacks a precedent on Article 8(2)(b)(iv) despite clear cases past and present of significant environmental damage during armed conflicts.

The destruction of Kakhovka Dam on 6 June 2023 could serve as a clear example of widespread, long-term and severe damage to the (natural) environment. What would some of the difficulties be in applying Article 8(2)(b)(iv) to this case?

The war in Ukraine is an opportunity to demonstrate the effectiveness of an international regime on accountability, including responsibility for the destruction of the environment during an armed conflict. For example, the Rome Statute could be amended to develop jurisprudence on ecocide thus preventing and deterring damage of similar scale in the future. Despite the challenges

related to prosecuting ecocide under Article 441 of the Ukraine Criminal Code, it should be possible to prosecute such a crime at both the national and international levels. Can the Rome Statute step up to the plate?

This event will explore Article 8(2)(b)(iv) in better detail while using the case of Ukraine as an example of what it could be as Ukraine embarks on setting a [ground-breaking legal precedent](#) in the investigation of mass destruction of the environment during war.



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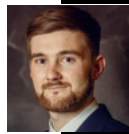
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