



OUR FUTURES, OUR SELVES: DEFINING AND  
CRIMINALISING ECOCIDE, PATHWAYS TO  
ENVIRONMENTAL PROTECTION

UNEP - BATHMUN 2024

# Message from the Chairs

Your Excellencies,

On behalf of the BathMUN 2024 Secretariat, it is our pleasure and privilege to welcome you to the United Nations Environment Programme (UNEP).

This year's theme, "moving forward, looking back", is reflected in the topic we have chosen. Over its 50+ year history, UNEP has made several strides in protecting the natural world when it seemed impossible, and the impacts of this UN programme can still be felt today.

Through intergovernmental cooperation, threats to our world have been mitigated, but new ones will continue to emerge if there is no consideration of our past efforts.

While the UNEP is a beginner committee this year at Bath, the topic we have chosen has eluded the world's most experienced diplomats. In many cases our governments, respective countries, and leaders have let the duty of protecting the environment for future generations slip through their fingers. Rather than taking action to preserve the natural world, many have chosen to incorporate political agendas in what should be an area of unanimous agreement. In turn, delaying progress and causing severe, unfettered damage to climate agreements and the environment as a whole.

We ask the delegates in UNEP to challenge the responsibilities of the United Nations in order to make lasting change. Keeping with the ethos of MUN, we encourage you to work in the spirit of diplomatic cooperation rather than to compete for the distinction of international influence. While not every nation may see eye-to-eye on this matter, finding common ground for the good of the planet and its people should guide this committee during its three days in Bath.

We wish you the best of luck in your preparation and look forward to welcoming you to the conference in November.

Yours sincerely,

Calvin Iyer - calviniyer2002@gmail.com

Ella Samways - esamways205@gmail.com

Ali Zeead Jangeerkhan - alizeeadjangeerkhan@gmail.com

# Chair Introduction

## Calvin Iyer

Dear Delegates,

I am honoured to have the privilege of being part of BathMUN for the second time and to be a member of the UNEP Dais.

While you will usually find me in the Security & Historical Security Council or NATO, which is where I began my MUN journey, I hope to give back to this interest we share by chairing a beginner committee. I am thrilled to be part of a UN body that has the environment at its core. I hope that you will find your time in this committee fulfilling and intellectually stimulating.

Far be the evil eye in your life, and good luck with your preparation for the conference. I cannot wait to meet all of you.

## Ella Samways

Dear Delegates,

I am thrilled to welcome you to the UNEP committee alongside my excellent co-chairs this year.

Having started my MUN journey here in Bath last year, I am delighted to return as part of the UNEP Dais. I had the best time delegating at Bath in a beginner committee and aim to provide you all with the same welcoming and informative environment.

No matter your experience level I truly hope you all find this to be a worthwhile experience, filled with academic rigour and fun socials.

Best of luck with your preparation, enjoy reading the study guide and I look forward to meeting you all soon!

## Ali Zeead Jangeerkhan

Dear Delegates,

My name is Ali and I am a third year environmental science with business management student at Queen Mary University of London and I am excited to return to BathMUN with my co-chairs.

I was born and raised in Mauritius, to a Mauritian father and an Egyptian mother, after which I moved to London for my studies in 2022. So far I have loved every part of being a student here, barring how expensive everything is!

I joined MUN in my first year and haven't looked back since. I can't wait to meet you all and thoroughly enjoy the conference together.

# Introduction to the Committee

## Committee Mandate

“UNEP was conceived to monitor the state of the environment, inform policy making with science and coordinate responses to the world’s environmental challenges” [15]. Unlike other bodies such as the ECOSOC and GA, it does not function as a core institution of the United Nations. However, it can advise on, publish reports and research, and enable nations and the United Nations in their efforts to protect the natural world.

The UNEP conducts its work through parliamentary sessions of its official debating body, the United Nations Environment Assembly (UNEA), which is the highest decision making and diplomatic body in the world [15]. As such, this committee shall function as the UNEA. This committee is the only UN programme headquartered in the Global South (Nairobi, Kenya). The Chairs direct that the committee be conducted in a way that embodies the powers and remit of a body based in the developing world. For the purposes of the conference in Bath, the committee shall be based in the UK for practical reasons. The UNEA shall follow

modified LIMUN rules of procedure. In the case of an impasse, or obstacle to committee business, the Chairs will exercise their discretion to allow the committee to carry on.

Within all matters of the ROP, resolutions, and arbitration between delegations, the authority of the Chairs acting on the advice of the Secretariat is final.

## Modifications to the Committee

In order to accurately recreate UNEP procedure, the Chairs have made changes to the committee. First, delegates should be referred to as “your excellency”, which is standard UNEP protocol. Secondly, UNEP delegates are considered to be plenipotentiary, meaning they are allowed by their respective governments to act independently and in accordance with their national interest as they see fit. Third, and more crucially, is the Agenda, which is a public list of crucial points of debate. Delegates will be able to view the Agenda before the committee is called to order.

The Agenda is a document composed of each delegation’s most pressing issue that they wish to see debated and included on a resolution. This is part of the UNEP’s official debate procedure. Five days before the start of the conference, a [link](#) will be sent out for all delegates to **submit one item** to the Agenda before the conference. The Agenda will close 24 hours before the start of BathMUN 2024. Items shall be entertained in order of submission and will be introduced by the Chairs for debate. The link to **view** the Agenda can be found [here](#). Submitting an item to the Agenda is entirely at a delegate’s discretion, but the Chairs encourage its use to fully simulate the UNEA’s actual procedure. We will send out further information as the conference approaches and we are happy to answer any questions you may have regarding committee procedure or the topic itself.

# Introduction to the Committee

## Committee History and Past Actions

The work of UNEP over its 50-year history has involved private sector entities, governments, charities, and subsidiary UN bodies to address the triple planetary crisis of climate change, nature & biodiversity loss, and pollution. Originally convened in 1972, the United Nations Conference on the Human Environment set out to create a global agenda that is widely considered by experts to be the first steps in the development of international environmental law.

In 2014, UNEP formally convened the United Nations Environmental Assembly (UNEA) – the programme’s debating and plenary committee for the first time. This bi-annual event brought together world leaders from all 193 UN states to discuss the environment at its highest level international diplomatic forum. It sets priorities for global environmental policies and international environmental law [16].

UNEP and its associated bureaux are the foremost authority on the matters of climate change, environmental sciences, and international cooperation on ecological issues. It has the power to advise national governments and publish findings in accordance with developments in climate sciences. At the core of this is UNEP’s mandate “to inspire, inform, and enable nations and peoples to improve their quality of life without compromising that of future generations” [15].

Between 1972 and 1987, UNEP published and promulgated 12 conventions, agreements, and treaties [13]. The content of these publications ranged between agendas to stop transborder air pollution, migratory species protection and frameworks such as the decade-long **1982 Montevideo Programme** on creating standards for international climate law., including its review and development to strengthen international environmental monitoring.

Most famous of UNEP’s work is the **1985 Vienna Convention** that created a framework on sharing information on ozone depleting CFC gases, and the subsequent **1987 Montreal Convention** which banned CFC gases altogether – a groundbreaking agreement that had every UN member state agree on scientific proof that degradation of the ozone layer would have severe ramifications for environmental health and life on earth.

In 2010, UNEP published two reports, the **Nusa Dua Declaration** and the **Emissions Gap Report**. The **2010 Nusa Dua Declaration** underscored the vital need to address preserving natural biodiversity, and the advantages of transitioning to a green economy. The declaration brought together ministers of UNEP member states in recognising and creating a pathway towards sustainable development and international environmental governance. The second report was the “first in a series of landmark reports that tracks the gap between where greenhouse gas emissions are heading with current country commitments and where they ought to be to limit global temperature rise to 1.5°C and 2°C by the end of this century” [13].

# Introduction to the Committee

## Committee History and Past Actions

Previous attempts to empower UNEP were taken in 2012, when membership to the programme became fully universal. In 2014, as aforementioned, the UNEA was convened for the first time, where member states were able to discuss matters of the environment and ecological damage. As a result of these changes, the UNEP in 2015 facilitated the signing of the **Paris Agreement** at COP21, which seeks to limit global temperature rise to 1.5 degrees celsius by the end of this century. In the same year, the Sustainable Development Goals were adopted. Flaws were exposed in the Paris Agreement when President Donald Trump withdrew the United States from the agreement, which nearly caused a knock-on effect when President Jair Bolsonaro threatened Brazil's exit from the agreement [6]. The actions of these states highlight several weaknesses in UNEP's binding powers in relation to UN member states.

More pertinent to the topic this iteration of the UNEP will be discussing is the **2019 Environmental Rule of Law Report**. The report, symbolically published in Nairobi – a city in the UN-defined global south, is described as “the first ever global assessment of environmental rule of law”. The Report's findings conclude “that weak enforcement is a global trend that is exacerbating environmental threats.” [14]. Action has been taken by a number of countries in UNEP already; Vietnam, a number of post-Soviet Central Asian states, France, and Belgium (as part of an EU initiative) have ecocide criminalised in their national law. However an international standard is yet to exist, despite ecocide being clearly defined.

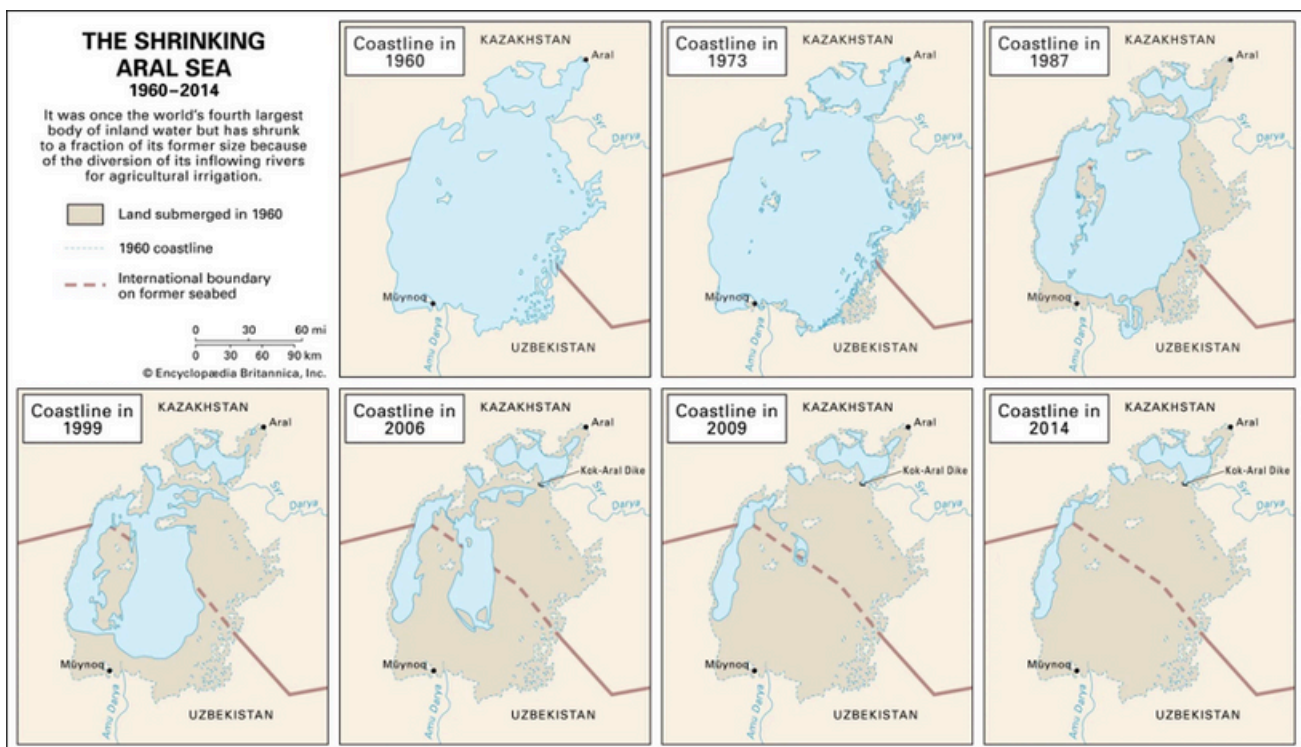


*The UNEA debating chamber at its sixth formal session*

# Background to the Topic

The Industrial Revolution dramatically altered human–environment relations. Rapid industrialisation and urbanisation resulted in extensive damage to the environment, characterised by deforestation, pollution and the exploitation/depletion of natural resources. However, it wasn't just a physical shift in the environment, the Industrial Revolution was also a catalyst for widespread changes in socioeconomic attitudes – viewing the environment as a source of profit over a natural regulator for both human and planetary health. Since the formation of this unique relationship between humanity and the natural world, a growing number of environmental concerns have been attributed to human error and mismanagement, most notably, anthropogenic global warming.

As the media sheds greater light on the current environmental crises, increasing attention is being drawn towards human–caused environmental degradation. Over the past four to five decades, there have been numerous examples of significant and wanton destruction of the environment, notably the Deepwater Horizon oil spill [8], excessive water diversion and the shrinkage of the Aral Sea, and the fallout of the 2011 Fukushima–Daiichi nuclear disaster [1]. Many of these events drew significant media attention and calls for accountability of both governments and large corporations. Despite this, at an event held by UN Environment and INTERPOL at the 71st session of the general assembly, it was concluded that “[a]buse of the environment is the fourth largest criminal activity in the world” [11].



*Shrinkage of the Aral Sea from 1960–2014.*

# Background to the Topic

In response to these events numerous international treaties and conventions have been formed to address specific aspects of the environment, for example, the **1987 Montreal Protocol on Substances that Deplete the Ozone Layer** and the **1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal**. These are just two examples of treaties aiming to protect the environment, and whilst overall they have had some success. The vast majority of treaties are reliant upon voluntary compliance or dispute resolution mechanisms that are difficult to enforce. This highlights the need for more stringent legal frameworks in order to fairly and adequately hold the international community accountable.



*Wildfires burn in the Amazon in 2019.*

Ecocide was first introduced to the international community by Olof Palme (the late Prime Minister of Sweden), who pushed for the concept to be internationally recognised at the previously mentioned 1972 UN environment conference. The main aim at the time was to hold the United States accountable for their use of Agent Orange in Vietnam.

Since then there have been few efforts to introduce a substantial international legal framework, although several domestic policies have since been drawn and executed. The latest legislative initiative was in 2021 when the European Law institute proposed an amendment to the Rome Statute of the International Criminal Court, making what would legally be called 'ecocide' a fifth crime against peace. Under this proposed change, ecocide would be defined as 'the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished' [6].



# Timeline: Developments to Ecocide Laws Around the World

Ecocide Law, 2021 [4]

- 1970** American biologist turned 'bioethicist' Professor Alexander W. Galston coined the term **ecocide** at the Conference on War and National Responsibility in Washington.
- 1972** Swedish Prime Minister Olof Palme condemns the events occurring in the Vietnam war as acts of ecocide in his opening speech at the UN Conference on Human Environment.
- 1973** Richard Falk proposes an international convention on the crime of ecocide, becoming one of the first to seek a formally outlined definition for the latter.
- 1978** The UN Sub-commission on Prevention of Discrimination and Protection of Minorities puts forward a proposal to include ecocide in the genocide convention.
- 1985** The 1978 proposal to add ecocide to the Genocide Convention is rejected.
- 1990** Under article 278 of its criminal code, Vietnam officially becomes the first country to codify ecocide in its legislation – punishable by between 10 and 20 years imprisonment, life in prison or capital punishment.
- 1991** The ILC (International Law Commission) includes in article 26 under its Draft Code of Crimes Against the Peace and Security of Mankind: "willful and severe damage to the environment".
- 1996** The ILC rejects article 26 of its Draft Code of Crimes Against the Peace and Security of Mankind. The Russian Federation Codifies the crime of ecocide under article 358 of its domestic laws.
- 1997** Kazakhstan and Kyrgyzstan codify the crime of ecocide under their domestic laws.

# Timeline: Developments to Ecocide Laws Around the World

Ecocide Law, 2021 [4]

- 2002** As of the 1st of July, the *Rome Statute: Genocide, Crimes Against Humanity, War Crimes* is entered into force.
- 2013** The prosecutors of the ICC consider the influence of environmental damage in assessing the gravity of crimes outlined under the Rome Statute.
- 2018** Entry into force of the 4th Rome Statute crime: the crime of aggression.
- 2019** Consideration for the addition of the crime of ecocide to the Rome Statute is called upon by Vanuatu and the Maldives at the 18th Meeting of the ICC Assembly of State Parties.
- 2020** Belgium calls for the consideration of adding the crime of ecocide to the Rome Statute at the 19th Meeting of the ICC Assembly of State Parties.
- 2021** The proposed draft of amendments (Rome Statute) included the crime of ecocide.

# Key Stakeholders



*During the Vietnam war the US military used a toxic substance named Agent Orange to defoliate forests in order “to expose communist guerilla fighters” [18]. This left long lasting damage to forests, water supplies and agricultural land. In conjunction, Vietnam continues to struggle with the impacts of industrial pollution and deforestation. As such, Hanoi has a strong interest in the creation of an international law for ecocide.*

*As of current, Vietnam has introduced article 278 of the Penal code 1990, which constitutes ecocide as a crime against humanity [4]. In addition they have demonstrated strong cooperation amongst the international community, joining several international environmental agreements including the Paris Agreement.*



*Brazil’s diversified economy, regional power status, and position in the developing world make it a pivotal stakeholder in climate-related matters. Firstly it has a unique ecological makeup given its home to the Amazon rainforest. The Amazon’s vast ecosystem helps to regulate the climate as well as supporting biodiversity [17]. However, in recent years the Amazon has experienced mass deforestation and wildfires. This destruction not only threatens the wildlife, but also indigenous people and the overall wellbeing of South America’s largest economy.*

*Brazil is starting the process of introducing ecocide laws, with an ecocide bill being submitted to Brazilian congress in 2023. The bill states the following: “illegal or wanton acts with the knowledge that they generate a substantial probability of serious and widespread or long-term damage to the environment” [3]).*



*France has a long history of environmental activism and ranks 6th internationally regarding environmental policy (SGI). France remains a highly influential member of the international community as both a member of the UNSC and European Union. In recent years, the French Government has championed environmental policy on a domestic scale, introducing several policies particularly surrounding renewable energy.*

*France passed an ecocide law in the Climate and Resilience Act of 2021, which addresses ecocide in two contexts. A salient feature is Article 296 of the French Civil Code which stipulates that parliament must be informed “in favour of the recognition of ecocide as a crime which can be tried by international criminal courts.” [4]. This combined with their influence amongst the international field makes France a key actor in any international agreement going forward.*

# Key Stakeholders



*The United States of America has a complex history with environmental policy. As the largest economy in the world at \$28.78 trillion [7], it is also one of the key contributors to environmental challenges, particularly in greenhouse gas emissions. Because of this, the United States' position on this matter is pivotal.*

*While the U.S. Government has supported several environmental policies, former President Donald Trump's withdrawal from the Paris Agreement formally in 2020, which his former Secretary for Climate Mike Pompeo cited "the unfair economic burden imposed on American workers, businesses, and taxpayers by the U.S." nearly resulted in a cascade of withdrawals. While incumbent President Joe Biden has rejoined numerous agreements, America's response shown to their withdrawal reiterates their influential position, adding to this is President-Elect Trump's longstanding abhorrence of climate law, which limits the manoeuvring the US government will be able to do in an international forum.*



*Similarly to Brazil, Indonesia is home to the third largest rainforest in the world, helping to regulate the climate and provide essential regulation of natural ecosystems. However, Indonesia's geographic position on the ring of fire makes the country vulnerable and prone to natural disasters such as earthquakes and tsunamis.*

*The volatility of Indonesia's economic climate and governance has proven controversial in its attempts to protect the environment. Most notably, the shifting of Indonesia's capital from Jakarta, which is rapidly sinking into marshland as a result of unprecedented growth, to the planned and under construction city of Nusantara. The move has raised concerns with environmentalists worldwide who have criticised the Indonesian government's plans to level and clear native rainforest and other natural areas for the new capital.*

# Key Stakeholders



*Qatar has no formal ecocide laws in place, relying primarily on sustainability initiatives and the executive directions of its government, it is one of the world's biggest fossil fuel exporters. Oil and natural gas production remain a massive part of the small gulf country's economy. The export of oil and gas has led to questions regarding environmental damage in the form of greenhouse gases, damage due to seafloor exploration, and the awarding of contracts to further develop oil and gas capabilities in a time of a fossil fuel phase out.*

*Qatar belongs to a group of small but powerful oil and gas rich nations with significant lobbying power. With an economy that has begun to diversify, it remains vocal in the face of concerted efforts from the international community to curb its dependence on oil exports.*



*Delegates arrive at UNEP's headquarters in Nairobi for its third formal session.*

# Guiding Questions

How can ecocide be effectively defined and incorporated into existing legal frameworks? Should it be a standalone crime, or should it fall under existing categories such as genocide or crimes against humanity?

How can action against ecocide be effectively enforced? What challenges might arise in gathering evidence, prosecuting perpetrators, and ensuring adequate penalties?

What preventive measures can be implemented to reduce the risk of ecocide? Should there be a stronger emphasis on environmental impact assessments, sustainable development practices, and education?

What role should international institutions play in defining and addressing ecocide? How can countries with different legal systems and environmental priorities collaborate to create a unified approach?

# Points to Consider

The first hurdle of any work produced by the UNEA and its associated bodies is that any findings it comes to are advisory only and are not considered to be substantially legally binding unless there is a full scale movement to ratify action, such as in a treaty. This raises the question of enforcement and how the outcomes UNEP comes to will be impacted by noncompliance on a global scale.

While countries may have common interests in environmental protection, the crux of the issue lies with developed nations and their business interests. Multiple countries in the UNEA are also economically and politically dependent on oil and gas production, with their respective interests clashing with the way forward that the United Nations wants to take regarding environmental protection.

It should be stressed that UNEP is only discussing the very earlier stages of criminalising ecocide and environmental damage. The Chairs stress that a one-size-fits-all fix cannot be the goal of this committee and that nuanced, critical solutions commensurate to the severity of the situation be considered instead. Combined with UNEP's limited powers of advisory, investigation, and review, agreements on the issue must fall in line with the current state of international environmental law and factors such as implementation stages and adoption of UN regulations as law. A prime example would be the **1985 Vienna Declaration** that stated the continued use of CFCs would have disastrous effects for life on earth, which then became the binding **1987 Montreal Protocol**.

# Further Reading

For further research and updates on the topic, we recommend that delegates follow UNEP's Instagram and Twitter accounts for daily updates in the lead up to the conference.

Delegates may also find that reading the UNEP's history and previous work in passing treaties, agreements, and published findings can prove useful in preparing for debate. The conventions and papers in **bold** in the body of the study guide may prove useful to you.

Additional information about the UNEA's agenda of work and previous meetings can be found on the UNEP's website and official archives, which we recommend particularly for first-time delegates. However, we stress that you do your research and preparation according to your own personal preferences.

Once again, should you have any questions, please do not hesitate to reach out to us, we are more than happy to help.



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