

**Declassified<sup>1</sup>**

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## **Committee on Social Affairs, Health and Sustainable Development**

### **Network of Contact Parliamentarians for a healthy environment**

#### ***Minutes***

**of the exchange of views on “Ecocide: recent developments and challenges for anchoring it in national, European and international law”**

**held in Strasbourg on Wednesday, 24 January 2024**

The network held an exchange of views with **Ms Jojo Mehta**, co-founder and Executive Director of Stop Ecocide International (SEI).

**The Chairperson** recalled that this exchange of views had been initiated based on the Assembly's Resolution 2277 (2023) and Recommendation 2246 (2023) on the environmental impact of armed conflicts. The crime of ecocide was also considered in the work of a group of experts set up within the Council of Europe (PC-ENV) to prepare a new convention on the protection of the environment through criminal law. This new legal instrument should cover all environmental crimes committed in times of war or peace. The Network's discussion on ecocide would allow members to better understand the challenges lying ahead.

In this context, **the Chairperson** informed the participants that representatives of the European Commission were very active in discussions on the new convention. The Parliamentary Assembly was represented in the PC-ENV negotiations by representatives appointed by the Committee on Social Affairs, Health and Sustainable Development and by the Committee on Legal Affairs.

**Ms Mehta** explained that Stop Ecocide International was campaigning for the crime of ecocide to be recognised as designating illegal or "senseless" ("wanton") acts committed in the knowledge that there was a substantial probability that serious and widespread or long-term damage to the environment could be caused by these acts. This project was supported worldwide. Many countries were considering adopting ecocide laws, with Belgium on the verge of doing so. The European Union decided in November 2023 to pursue offenses "comparable to ecocide". Different sectors, including youth, citizens' assemblies, faith-based organisations, universities and the corporate sector, and crucially, the business and financial sectors had joined the conversation. While it was true that the EU's "qualified" offence was a positive measure setting the minimum norm, this step had its limitations, as it was based on a list of specific acts. A global, general offense, such as proposed by Stop Ecocide International and supported by the European Parliament, would be more effective; the Council of Europe's expert group should therefore pay attention to this aspect. The inclusion of outer space and the concept of "wanton" – in the sense that the effects of the disputed acts were clearly excessive compared to the anticipated social and economic benefits – in the definition was also recommended by Stop Ecocide International.

**Ms Ovchynnykova** pled for an international parliamentary alliance on ecocide and drew parallels with a national platform in Ukraine – United for Nature. It was necessary to continue to work on the definition of ecocide and on the cross-border effects of ecocide. Criminalisation of ecocide necessarily implied the jurisdiction of the International Criminal Court (ICC). She then asked how to involve young people in this project and what contribution the Network could make to it.

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<sup>1</sup> The minutes were approved and declassified by the Network of Contact Parliamentarians for a healthy environment at its meeting on 26 March 2024.

**Ms Mehta** stressed the need to mainstream ecocide into the legislative work and informed the Network that more and more training sessions and research studies involving young people were investing in case studies and potential scenarios around ecocide. The position taken at the level of the European Union was a good start but was not enough. It was necessary to continue to pursue an ambitious global objective on ecocide by focusing on the victim and not the weapon.

In response to a question put by **Ms Moonen** on the most appropriate levels of intervention, **Ms Mehta** stressed the role of the International Criminal Court in harmonising the understanding of the ecocide concept which could then be taken up at regional/European level and guide national efforts. It was important that offenders would not escape their responsibilities due to problems in qualifying the offense even if, in the end, it was a good idea to change society's attitude by focusing on the damage on the ground and not on the systems that led to it.

**Mr Moutquin** underlined that one of the concrete challenges to be met was the one of the training and specialisation of magistrates. The Register of Damages for Ukraine would also cover damages to the environment in Ukraine resulting from the war. He wondered how the complementarity between the mandate of the Network – which concerned the fundamental right to a healthy environment – and the concept of ecocide which fell under criminal law could be promoted.

**Ms Mehta** confirmed that strengthening the expertise of magistrates in the environmental field was hampered by the technical complexity but was absolutely necessary. A dynamic definition of ecocide should be sought. The Network could embark on the strategic window of support for a radical behavioural change (including by the business sector) and contribute to overcoming all forms of resistance. The human rights-based approach to ecocide was complementary to the criminal law path. The worst forms of ecocide should be clearly spelt out and every effort should be made to avoid them from materializing in the real world. Human life was inseparable from the nature in which humans lived. Human rights law and environmental law were closely intertwined.

**Mr Amraoui** considered that European countries should lead by example. He asked whether the definition of ecocide was precise enough to cover at least the most serious damage and how to use the existing jurisdiction(s).

**Ms Mehta** confirmed that the question of the definition of ecocide was very difficult, in particular on the tension between acts and their consequences. There was a need to clarify what the term 'irreversible' meant with regard to the environmental damage. Any definition should leave space for the judges' interpretation. The option of modifying the Rome Statute through an amendment on ecocide and therefore considering the jurisdiction of the ICC resulted from a pragmatic approach: creating a jurisdiction was an extremely long process whereas the ICC had already proven its competence. 123 States were States Parties to the Rome Statute, and from a legal angle, it was very likely that ecocide could fall within the material scope of the Statute. Both the right to a healthy environment and ecocide derived directly from the fundamental human right to life, and ecocide only put a name to one of the worst violations of this right. There was a need to seek a better balance between economic growth and limited natural resources away from a postulate of unlimited growth.

**Mr Jónsson** referred to the Parliamentary Assembly's work on ecocide and the right to a healthy environment. The vote of the United Nations General Assembly and the political recognition of the right to a healthy environment during the Council of Europe Reykjavik Summit paved the way for possible breakthroughs on ecocide at international level. However, how could governments be pushed into action?

**Ms Mehta** considered that global events such as the World Economic Forum in Davos gathered multiple actors and offered good means of triggering action. There still were cultural misunderstandings about the criminal law which should be used to draw moral lines and to protect the public interest. Increasingly, businesses were estimating material risks linked to environmental harm and factored in the rationale of avoiding harm rather than repairing damages into their investment decisions.

**Mr Fridez** spoke about the planetary limits, the gap between rich consumers and poor victims, and the expensive path to seek environmental justice. A global fund was needed to ensure a proper rehabilitation of nature or some sort of compensation after substantive environmental damages.

**Ms Mehta** pointed out that one of the aims of the ICC was to rebalance power between the rich and the poor nations. The existing mechanisms for compensation could be invoked such as in the framework of global conferences on climate change using the "common but differentiated responsibilities" approach. However, there still were plenty of holes and gaps in the legal net at various levels of governance.

**Ms Tanguy** spoke about the French criminal code which enabled strong action. It qualified the intent of wrongdoing and allowed for the prosecution of various environmental offences. Tackling certain types of pollution, such as with plastic waste, required novel legal approaches but also targeted education and awareness raising.

**Sirkka Prammer** stressed the need to train prosecutors and to accompany transition to more sustainable development in developing countries so that these would not make the same mistakes as the developed countries had done in the past.

**Ms Mehta** agreed with a previous speaker and further insisted on the importance of capacity building. As far as possible, society should seek to refocus responsibilities through policies and avoid punitive approaches.

**The Chairperson** thanked all the participants for their comments and contributions which had made the discussion thought-provoking. The Network members could consider follow-up action in due course. He then closed the exchange of views.

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### List of presence / Liste de présence

(The names of members who took part in the meetings are in bold / *Les noms des membres ayant pris part aux réunions sont en caractères gras*)

#### Member States / États Membres

Albania / Albanie			
Andorra / Andorre			
Armenia / Arménie	Mr/M.	<b>Armen Gevorgyan</b>	EC/DA
Austria / Autriche	Mr/M.	<b>Stefan Schennach</b>	SOC
	Ms/Mme	<b>Agnes Sirkka Prammer</b>	SOC
Belgium / Belgique	Mr/M.	Rik Daems	ALDE
Bosnia and Herzegovina / Bosnie-Herzégovine	Mr/M.	Saša Magazinović	SOC
Bulgaria / Bulgarie			
Croatia / Croatie	Ms/Mme	Zdravka Bušić	EPP/CD
Cyprus / Chypre			
Czechia / Tchéquie			
Denmark / Danemark			
Estonia / Estonie			
Finland / Finlande	Ms/Mme	Minna Reijonen	EC/DA
France	Ms/Mme	<b>Liliana Tanguy</b>	ALDE
Georgia / Géorgie			
Germany / Allemagne	Ms/Mme	Franziska Kersten	SOC

Greece / Grèce	Mr/M.	George Papandreou	SOC
Hungary / Hongrie			
Iceland / Islande	Mr/M.	<b>Bjarni Jónsson</b>	UEL
Ireland / Irlande	Mr/M.	Thomas Pringle	UEL
	Ms/Mme	Róisín Garvey	SOC
Italy / Italie	Mr/M.	Stefano Maullu	EC/DA
	Ms/Mme	<b>Aurora Floridia</b>	SOC
Latvia / Lettonie			
Liechtenstein	Mr/M.	Peter Frick	ALDE
Lithuania / Lituanie	Mr/M.	Arminas Lydeka	ALDE
Luxembourg	Mr/M.	<b>Paul Galles</b>	EPP/CD
Malta / Malte			
Republic of Moldova / République de Moldova			
Monaco			
Montenegro / Monténégro	Mr/M.	<b>Miloš Konatar</b>	SOC
Netherlands / Pays-Bas	Ms/Mme	Saskia Kluit	SOC
North Macedonia / Macédoine du Nord			
Norway / Norvège	Ms/Mme	Linda Hofstad Helleland	EPP/CD
Poland / Pologne	Ms/Mme	Danuta Jazłowiecka	EPP/CD
Portugal	Mr/M.	<b>Pedro Cegonho</b>	SOC
Romania / Roumanie	Ms/Mme	Maria Gabriela Horga	EPP/CD
	Ms/Mme	Alina Stefania Gorghiu	EPP/CD
San Marino / Saint-Marin			
Serbia / Serbie			
Slovak Republic / République slovaque			
Slovenia / Slovénie	Mr/M.	Dean Premik	ALDE
Spain / Espagne			
Sweden / Suède			
Switzerland / Suisse			
Türkiye	Mr/M.	Sevan Sivacioğlu	NR
Ukraine	Ms/Mme	<b>Yuliia Ovchynnykova</b>	ALDE
United Kingdom / Royaume-Uni	Baroness	Doreen E. Massey	SOC

**Observers / Observateurs**

Canada		
Israel / Israël		
Mexico / Mexique		

**Partners for Democracy / Partenaires pour la Démocratie**

Jordan / Jordanie		
Kyrgyzstan / Kirghizstan		
Morocco / Maroc	Mr/M.	Allal Amraoui
Palestine		

**President of the Assembly / Président·e de l'Assemblée**

<b>Ex-Officio Member / Membre d'office</b>	Mr/M.	Theodoros Rousopoulos	EPP/DC
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**Presidents of Political Groups / Président·e-s des groupes politiques**

<b>Ex-Officio Members / Membres d'office</b>	Mr/M.	Frank Schwabe	SOC
	Mr/M.	Davor Ivo Stier	EPP/CD
	Mr/M.	Ian Liddell-Grainger	EC/DA
	Mr/M.	Iulian Bulai	ALDE
	Mr/M.	Andrej Hunko	UEL

**Pace Committees Concerned / Commissions de l'APCE concernées**

Political Affairs / Questions politiques	Mr/M.	Simon Moutquin	SOC
Legal Affairs / Questions juridiques			
Migration / Migrations	Mr/M.	Pierre-Alain Fridez	SOC
Equality / Égalité	Ms/Mme	Edite Estrela	SOC
Culture			

**Bureau of the Committee on Social Affairs (Ex-Officio Members) /  
Bureau de la Commission des Questions Sociales (Membres d'office)**

Chairperson / Président	Mr/M.	Simon Moutquin	SOC
First Vice-Chairperson / Première Vice-Présidente	Ms/Mme	Danuta Jazłowiecka	EPP/CD
Second Vice-Chairperson / Deuxième Vice-Président	Mr/M.	Armen Gevorgyan	EC/DA
Third Vice-Chairperson / Troisième Vice-Président	Mr/M.	Pedro Cegonho	SOC

**Congress of Local and Regional Authorities /  
Congres des Pouvoirs Locaux et Regionaux**

Thematic Spokesperson on Environment and Climate Change/ Porte-Parole	Mr/M.	Cemal Bas	
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thématique sur l'environnement et le changement climatique		
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**Parliamentary Assembly of the Francophonie /  
Assemblée parlementaire de la Francophonie**

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**Inter-Parliamentary Union / Union Interparlementaire**

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**European Parliament / Parlement Européen**

	Ms/Mme	Marie-Pierre Vedrenne (France, Renew Europe)
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**Other parliamentarians present / Autres parlementaires présents**

Ms / Mme Stéphanie Weydert, Luxembourg

Ms / Mme Carla Moonen, Netherlands / Pays-Bas

**Other delegations / Autres délégations**

Mr / M. Enis Kervan, Kosovo\*

\*All reference to Kosovo, whether to the territory, institutions or population shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo / Toute référence au Kosovo, que ce soit à son territoire, à ses institutions ou à sa population, doit se comprendre en pleine conformité avec la Résolution 1244 du Conseil de sécurité des Nations Unies et sans préjuger du statut du Kosovo.

**Embassies / Permanent Representations and Delegations  
Ambassades / Représentations permanentes et délégations**

Mr / M. Aurimas Tumėnas, Lithuania / Lituanie

**Secretariat of Delegation or of Political Group /  
Secrétariat de délégation ou de Groupe politique**

Ms / Mme Sonja Langenhaeck, Belgium / Belgique

Ms / Mme Hatice Biyikli Ozansoy, Türkiye

Ms / Mme Anna Kolotova, UEL Group / Groupe GUE

**Experts / Expert-e-s**

Ms / Mme Jojo Mehta, Co-Founder and Executive Director of the non-governmental organization Stop Ecocide International / Co-fondatrice et Directrice exécutive de Stop Ecocide International (SEI)

**Secretariat of the Council of Europe / Secrétariat du Conseil de l'Europe**

Ms / Mme Tanja Kleinsorge, DG I – Head of Department Reykjavik process and the environment / Chef de Service Processus de Reykjavik et environnement

Ms / Mme Amanda Sessim Parisenti – DG I

Ms / Mme Grazia Alessandra Siino – Council of Europe Office in Morocco / Bureau du Conseil de l'Europe au Maroc

**Committee on Social Affairs, Health and Sustainable Development /  
Commission des questions sociales, de la santé et du développement durable**

Ms / Mme Aiste Ramanauskaite ..... Secretary to the Committee / Secrétaire de la commission  
Ms / Mme Jannick Devaux ..... Secretary to the Committee / Secrétaire de la commission  
Ms / Mme Claire Dubois-Hamdi ..... Secretary to the Committee / Secrétaire de la commission  
Ms / Mme Xenia Birioukova ..... Assistant / Assistante  
Ms / Mme Özgü Tan ..... Assistant / Assistante  
Ms / Mme Oksana Senja ..... Trainee / Stagiaire