

WORKSHOP IN-PERSON AND
LIVE-STREAMED HOSTED BY:



**STOP
ECOCIDE**
International

Prosecuting **Ecocide**: Prospects for enforcement nationally and internationally

9.20AM-6.15PM WEDNESDAY, NOVEMBER 29TH, 2023

PLACE:

CARLOS III UNIVERSITY
GETAFE CAMPUS
ROOM "BUERO VALLEJO" (14.0.11)

WITH PARTNERS:



WCEL
WORLD COMMISSION ON ENVIRONMENTAL LAW
COMISION MUNDIAL DE DERECHO AMBIENTAL
COMISSÃO MUNDIAL DE DIREITO AMBIENTAL

PaxNatura



WORKSHOP

PROSECUTING ECOCIDE:

PROSPECTS FOR ENFORCEMENT NATIONALLY AND INTERNATIONALLY

Wednesday 29 November 2023

Carlos III University, Getafe Campus

Room "Buero Vallejo" (14.0.11)

Event hosted by:



With partners:



WCEL
WORLD COMMISSION ON ENVIRONMENTAL LAW
COMMISSION INTERNATIONALE DE DROIT DE L'ENVIRONNEMENT
COMISSIÓ MUNDIAL DE DRETS D'AMBIENTAL

PaxNatura

Academic coordinators:



Thomas Obel Hansen



Montserrat Abad Castelos

&

Stop Ecocide coordinators:



Maite Mompó



Rodrigo Lledó

&

Hybrid event with online streaming

**Registration form for in-person participation
(registration required; deadline: Monday 27 November 2023):**

https://docs.google.com/forms/d/17dnhvvvm02Eyh8KZjnEUEgPVAPkLoQv0_wYKefEN7Jw/edit

Link for online streaming:

<https://eu.bbcollab.com/guest/0ee8fab8b934a598e83db395022f672>

For more information: <https://www.stopecocide.earth/calendar>



WORKSHOP RATIONALE

This Workshop, hosted jointly by Universidad Carlos III de Madrid and Stop Ecocide – with support from ICEL and IUCN World Commission on Environmental Law and the grants mentioned below – seeks to understand options and challenges to achieve greater accountability for environmental crimes. It takes the starting point in exploring the rationale, feasibility and possible consequences of recently made suggestions for expanding accountability for environmental crimes at International Criminal Court (‘ICC’) level.

The workshop pays particular attention to the Independent Expert Panel (IEP) ‘ecocide’ proposal, tabled in June 2021, its potential strengths, possible weaknesses and prospects for enforcement. The proposal has quickly achieved widespread support among policy-makers, activists, academics and many others. Should it ultimately be adopted by the ICC Assembly of States Parties this would undoubtedly be seen by many as an important advancement in both international criminal law and environmental protection.

However, observers have pointed to challenges associated with adopting the ecocide proposal in its current form and effectively enforcing it at ICC level, including important questions around the proposal’s definition of ecocide, possible resistance by certain stakeholders, and issues surrounding the ICC’s capacity to meaningfully enforce an ecocide crime. Importantly, environmental crimes often involve particularly powerful interests including large business enterprises, but is the ICC geared to prosecute the type of actors most responsible for ecocide and other serious environmental crimes?

At the same time, significant developments have recently taken place at the domestic and regional levels, including the presentation of a new EU environmental crime directive and the adoption of expanded environmental crimes legislation in numerous national jurisdictions around the world – in some cases seemingly drawing on the IEP ecocide proposal. But what are the opportunities and challenges for national legal systems to prosecute ecocide and more broadly advance accountability for environmental crimes? For example, how could extraterritorial jurisdiction principles be utilized to promote justice for environmental crimes that are committed outside the State wishing to exercise jurisdiction, including in conflict zones? Criminal law is not the only way to achieve greater accountability for environmental crimes, raising questions for example concerning the prospects of relying on other legal frameworks such as tort law. Further, since conflict and post-conflict societies are often particularly affected by environmental crimes, what could be the role of transitional justice measures addressing these crimes?

Exploring these and related themes through presentations and debate with academics from different disciplines, practitioners and activists, this workshop aims to facilitate a critical and timely discussion of the different avenues for advancing justice for serious environmental crimes including ecocide – and to build bridges between disciplines, research agendas and academia-policy-practitioner relations. The workshop is in hybrid format, allowing presenters and participants to join online.



AGENDA

9:20-9:45: Welcome remarks



Thomas Obel Hansen - Maria Zambrano Distinguished Researcher, Universidad Carlos III de Madrid; Senior Lecturer in Law, Ulster University, UK



Montserrat Abad Castelos - Professor of Public International Law at Universidad Carlos III de Madrid; Co-director of the ICEL's International Secretariat; Co-Principal investigator of the Project Making Peace with Nature and Making Nature a Key for Peace [PaxNatura, Part I]



Laura Carballo Piñeiro - Professor of Private international law at University of Vigo, Dean of the Faculty of International Relations. and co-PI of the PaxNatura Project



Maite Mompó - Director of Stop Ecocide in Spanish language; degree in Law and specialised in ecological ethics, sustainability and environmental education; activist in human rights, peace and environment



Rodrigo Lledó - Member of the International Expert Panel for the definition of ecocide; Director of Stop Ecocide Americas; vice president of Derechos Humanos Sin Fronteras (DHSF) and professor at the International University of La Rioja (UNIR)

9:45-10:00: Opening presentation



Christina Voigt - Professor of International Law, University of Oslo; president of WCEL; member of the International Expert Panel for the definition of ecocide (online)

10:00-11:30: Panel 1: Context and rationale for criminalizing ecocide

Moderator:



Thomas Obel Hansen - Maria Zambrano Distinguished Researcher, Universidad Carlos III de Madrid; Senior Lecturer in Law, Ulster University



Presentations:



“The need for an ecocide crime - Perspectives from Stop Ecocide campaign”, **Jojo Mehta** - Executive Director of Stop Ecocide International and Chair of Stop Ecocide Foundation (online)



“ILC draft principles and ecocide”, **Concepción Escobar** - Professor of Public International Law, UNED; Director of the Center of Studies of IHL, Spanish Red Cross; Former Member and Special Rapporteur of the UN International Law Commission; Former Head of the International Law Department of the Spanish MFA



“State perspectives on the need for an ecocide crime”, **Mr. Ambassador Georges Maniuri** - Vanuatu’s Ambassador to Europe (online)



“Frontiers in green finance disclosure”, **Chidi Oti Obihara** - Senior fellow for climate finance with Drawdown Labs; Senior Advisor at SBTi (online)



“Towards a holistic consideration of crimes against nature committed in times of armed conflict”, **Montserrat Abad Castelos** - Professor of Public International Law at Universidad Carlos III de Madrid; Co-director of the ICEL’s International Secretariat; Co-Principal investigator of the Project Making Peace with Nature and Making Nature a Key for Peace [PaxNatura, Part I]

11:30-11:45: Coffee Break

11:45-13:15: Panel 2: Ecocide & environmental crimes prosecution at the ICC

Moderator:



Kevin Heller - Professor of International Law and Security, University of Copenhagen, Denmark (online)

Presentations:



“Enforcing ecocide: how to prosecute environmental harm under international criminal law”, **Matthew Gillett** - Senior Lecturer, Essex Law School, UK; former Prosecution Lawyer, International Criminal Court



“Ecocide, background, definition and international proposal”, **Kate Mackintosh** - Deputy chair of the International Expert Panel for the definition of ecocide; Executive Director of the Promise Institute for Human Rights at the UCLA School of Law (online)



“Reflections from inside the IEP about the ecocide crime”, **Rodrigo Lledó** - Member of the International Expert Panel for the definition of ecocide; Director of



Stop Ecocidio Americas, vice president of Derechos Humanos Sin Fronteras (DHSF) and professor at the International University of La Rioja (UNIR)



“*Prosecuting ecocide: The norms-adoption/ enforcement paradox in ICL*”. **Thomas Obel Hansen** - Maria Zambrano Distinguished Researcher, Universidad Carlos III de Madrid; Senior Lecturer in Law, Ulster University, UK

13:15-14:45: Lunch (room 15.0.16)

14:45-16:15: Panel 3: Ecocide & environmental justice in national and regional legal frameworks

Moderator:



Maite Mompó - Director of Stop Ecocide in Spanish language; degree in Law and specialised in ecological ethics, sustainability and environmental education; activist in human rights, peace and environment

Presentations:



“*An ‘Ecocide Wave’ of National Legislation: Feasible, Fast, Effective*”, **Darryl Robnison** - Professor of Law, Queens University, Canada (online)



“*Perspectives from national legislation in Brazil*”, **Paulo Busse** - Lead lawyer at Climate Counsel; expert at Ecocide Advice Centre; Co-Head of the Environmental and Climate Crisis Practice Group at Global Diligence Alliance (online)



“*Belgium and the criminalisation of ecocide: a pioneering country for global environmental justice*”, **Patricia Willocq** - Founder and Director at Stop Ecocide Belgium and coordinator of Stop Ecocide in French language; award winning photographer exhibited by OHCHR, UNESCO and UNICEF



“*Environmental crimes in Spanish law*”, **Jaime Doreste** - Associate professor of environmental law at the UAM; environmental lawyer for Ecologistas en Acción, Greenpeace, SEO/BirdLife, and neighbourhood associations, among others



“*The EU’s Environmental Crime Directive*”, **Roxane Chaplain** - Lawyer specialised in environmental law working at the European Parliament as part of MEP Marie Toussant team

16:15-17:45: Panel 4: Environmental crimes, human rights & transitional justice

Moderator:



Rodrigo Lledó - Director of Stop Ecocide Americas, specialised in HHRR



Presentations:



“Prosecuting environmental crimes at the Special Jurisdiction for Peace: The experience of Macrocase 02”, **Ana Elena Abello Jiménez** - Lawyer who has worked at the Chamber for Recognition of Truth, Responsibility and Determination of Facts and Conducts of the Special Jurisdiction for Peace for 5 years. She has also worked, among others, as Prosecutor of the National Anticorruption Direction and as Legal Officer at the Constitutional Court of Colombia.



“The need to implement restorative mechanisms in the face of ‘legalised’ environmental harms from the perspective of ecological justice”, **Esteban Morelle Hungria** - Lecturer in Criminology and Criminal Law at the Jaume I University, Spain



“The one-dimensionality of human rights approaches to the protection of the environment”, **Marina Lostal** - Senior Lecturer, Essex Law School, UK



“Relation between rights of nature and ecocide: El Mar Menor case”, **Maite Mompó** - Director of Stop Ecocide in Spanish language; degree in Law and specialised in ecological ethics, sustainability and environmental education; activist in human rights, peace and environment

17:45-18:00: Closing Remarks



“Perspectives from ICEL leadership”, **Nicholas Robinson** - Executive President of ICEL; Chair Emeritus of the WCEL; Emeritus Professor at the University of Pace, NY, USA (online)



“An invitation to collaborate in the work of the Specialist Group on Environmental Security and Conflict Law”, **Karen Hulme** - Professor of Law, University of Essex, UK and IUCN WCEL Chair of SG on Environmental Security and Conflict Law (online)

18:00-18:15: Concluding observations by organisers

18:15-19:15: Reception (room 14.0.9)

The event is organised in the framework of **Making Peace with Nature** and **Making Nature a Key for Peace Project** (Ref.: PID2022-1424842022). The event is supported by Universidad Carlos III de Madrid (DECANATO FACULTAD CC. SOCIALES Y JURIDICAS, Convocatoria 2023 de ayudas para la organización de congresos, conferencias, reuniones científicas y seminarios organizados por los departamentos, grupos de investigación y profesores e investigadores de la Facultad de Ciencias Sociales y Jurídicas de la Universidad Carlos III de Madrid (Modalidad C) para la actividad titulada Justice options for environmental crimes in armed conflict; as well as Convocatoria 2023 de ayudas para la organización de congresos y reuniones científicas y workshops por la UC3M (Modalidad A: congresos internacionales) mediante la resolución de 7 de noviembre de 2023 (grant number: UXXI con el código 2023/00447/001). The event further benefits from funding provided by the Spanish government and the EU Commission's 'Next-Generation-EU' framework for the Maria Zambrano Distinguished Research Fellowship undertaken by Thomas Obel Hansen (2023-24) with Universidad Carlos III de Madrid. The event is also receiving funding from ICEL and IUCN World Commission on Environmental Law.

