

## **OBSERVATIONS ON THE SCOPE AND APPLICATION OF UNIVERSAL JURISDICTION TO ENVIRONMENTAL PROTECTION**

As outlined in our previous submissions, the United Nations Environment Programme (UNEP) believes that universal jurisdiction could play a significant role in bridging the gaps in the enforcement of international environmental law. However, to date, the international community has not applied the principle of universal jurisdiction in the field of the environment.

UNEP recognizes that environmental crimes are widespread serious crimes interlinked with other forms of transnational organized crimes undermining peace, sustainable development and security, compromising the well-being of communities and legitimate business.<sup>1</sup> There is thus a need for the international community to recognize and address environment related crimes as a serious threat to peace and sustainable development.

There is also an urgent need to strengthen the environmental rule of law at all levels to prevent safe havens and to enforce environmental laws, including through evaluating the scope and application of universal jurisdiction in this area insofar as its relevance and application to environmental crime. The benefits of environmental rule of law extend beyond the environmental sector, as it also strengthens rule of law more broadly, supports sustainable economic and social development, protects public health, contributes to peace and security, and protects the fundamental rights of people. As such, it should be a growing priority for all countries.<sup>2</sup>

UNEP notes the calls that have been made from some civil society organizations and some academics regarding the creation of an international crime of ‘ecocide’, specifically through amending the Rome Statute of the International Criminal Court (ICC). Further investigation into the merits of this proposal would be warranted.

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<sup>1</sup> The State of Knowledge of Crimes that have Serious Impacts on the Environment, UNEP, available at <https://www.unenvironment.org/resources/publication/state-knowledge-crimes-have-serious-impacts-environment>

<sup>2</sup> Environmental Rule of Law: First Global Report, available at <https://www.unenvironment.org/resources/assessment/environmental-rule-law-first-global-report>