

NEW AND URGENT MOTIONS GUIDANCE

In accordance with Rules 52 and 53 of the Rules of Procedure of the World Conservation Congress, new and urgent motions may be submitted from 27 August to 4 September 2021. Note that new and urgent motions submitted prior to 27 August 2021 will not be considered, and the deadline on 4 September 2021 will be the end of the plenary sittings on the first day of the Members' Assembly (i.e. at 8:45 a.m. CET).

Members are encouraged to submit their new and urgent motions as soon as possible on or after 27 August 2021 so as to ensure sufficient time for their technical review and consideration by the Resolutions Committee. The purpose of the amendment to Rule 53 adopted in 2019, allowing Members to submit these motions from one week prior to the opening of the Congress, is to enable early distribution and more time for Members' consideration during the Members' Assembly.

All new and urgent motions must be submitted by email, using the completed template, to motions@iucn.org. It is essential that the motion is submitted by the proponent, with at least 10 of its co-sponsors (eligible to vote, from at least two Regions) in copy, in one of the three official languages of IUCN.

The template has three parts:

- **Part I** contains the motion itself, including the title, preamble, and operative text. It also contains the optional explanatory memorandum, as well as the names of the proponent and co-sponsors.
- **Part II** contains a series of questions, which will assist the Resolutions Committee in determining whether the motion is admissible under the Statutes and Rules of Procedure of the World Conservation Congress.
- **Part III** requests that a focal point for reporting on implementation be assigned, and for the proponents' contact information to be provided.

All of the required fields in the template, which are marked with a red asterisk (*), must be completed for the motion to be accepted.

Please note that the subject of these motions must be both new and urgent, as defined in Rule 52, for them to be accepted by the Resolutions Committee.

Any questions should be directed to the Secretariat Motions Team at motions@iucn.org.

Rules 52 and 53 of the Rules of Procedure of the World Conservation Congress

52. Motions may be submitted at the World Congress:
- (a) either by the Council, or by
 - (b) a Member eligible to vote with the co-sponsorship of at least ten other Members eligible to vote from at least two Regions; and
 - (c) only if the Congress Resolutions Committee determines that they meet the requirements of Rule 54 with the exception of paragraphs (b) viii. and ix. and that the subject of the motions is new and urgent according to the following criteria and on that basis authorizes their distribution to delegates:
 - i. "New" means that the issue which is the subject of the motion has arisen or has been subject to developments occurring after the closing of the deadline for the submission of motions and, at that time, could not have been foreseen; and
 - ii. "Urgent" means that the issue is of such importance that it requires an immediate response from the Union in the form of a Resolution or Recommendation.

53. Motions meeting the criteria of Rule 52 shall be submitted from one week prior to the opening of the Congress until the end of the plenary sittings on the first day of the Members' Assembly. Motions received after such deadline shall be admitted only with the consent of the President.

Source: <https://portals.iucn.org/library/node/48398>

NEW AND URGENT MOTION SUBMISSION FORM

Note: please send the completed submission form to motions@iucn.org before the end of the plenary sittings of the Members' Assembly on 4 September 2021, with at least 10 co-sponsors in copy.

Part I: The Motion

Title *

Support for establishing an international crime of ecocide

Preamble (max. 2,000 characters / approximately 350 words) *

The preamble explains in a succinct way the rationale for the motion and substantiates the action(s) called for in the operative part. Each sentence is presented as a separate paragraph and should open with a term IN CAPS, e.g. NOTING, MINDFUL OF, RECOGNIZING, AWARE OF, CONCERNED, RECALLING, WELCOMING, etc. Additional information may be provided in the explanatory memorandum (see below).

NOTING the IPCC report *AR6 Climate Change 2021: The Physical Science Basis* on the alarming extent of climate crisis impacts **already** manifest around the world, including 'tipping points' already passed, and its stark warning of likely outcomes if global redressive action is not accelerated;

FURTHER NOTING the IPBES/IPCC *Biodiversity and Climate Change workshop report* (June 2021) on the importance of addressing the crises of biodiversity and climate change **together**;

AWARE that mass damage and destruction of the natural living world or 'ecocide' continues to take place with impunity, with consequences seriously exacerbating these joint crises and thereby threatening the 'peace, security and well-being of the world';

RECOGNISING such destruction, therefore, as being 'of serious concern to the international community as a whole';

CONCERNED that the Rome Statute of the International Criminal Court, which explicitly addresses crimes of such serious concern which pose such threats, still does not address environmental damage and destruction outside the context of armed conflict, despite consideration of this during the drafting of the Statute in the 1990s;

RECALLING the recent calls from climate-vulnerable states Vanuatu and the Maldives upon ICC member states to consider amending the Rome Statute to include ecocide (December 2019), as well as support from Belgium for discussion of ecocide in upcoming ICC meetings (December 2020);

WELCOMING the new legal definition of ecocide launched by an independent panel of experts in June 2021: *"ecocide" means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts*;

NOTING that goodwill and ambition have proved inadequate in realising the aims of the Paris Agreement and the UN Sustainable Development Goals;

RECOGNISING the power of criminal law to affect cultural and moral norms as well as to deter damaging behaviour; and

AWARE that the next IUCN World Congress will not take place for another 4 years;

The World Conservation Congress 2020, at its session in Marseille France, 3-11 September 2021:

Operative text (max. 1,500 characters / approximately 250 words) *

The operative section of the motion specifies the position of Members and contains the action(s) that they are agreeing to take. Note: Each paragraph starts with an action term IN CAPS, e.g. CALLS ON, REQUESTS, URGES, AGREES, DECIDES, ENCOURAGES, INVITES, etc.

1. ENCOURAGES, in accordance with obligations arising from IUCN Resolutions WCC-2016-Res-076-EN *Improving the means to fight environmental crime* (sections 1,3, 4a and 4d) and WCC-2020-Res-038-EN *Treating organized crime having an impact on the environment as a serious crime* (section c) IUCN state members which are Parties to the Rome Statute of the International Criminal Court to support the establishment of a new international crime of ecocide by means of an amendment to that Statute;
2. RECOMMENDS IUCN state members which are Parties to the Rome Statute to make use of the recently launched legal definition of ecocide as a potential 5th international crime to develop discussion of such an amendment jointly with other sovereign States;
3. INVITES IUCN state members which are not yet parties to the Rome Statute to sign and ratify the Statute with a view to supporting such an amendment to sit alongside the 4 existing international crimes;
4. AGREES to communicate this Resolution by email and in hard copy to the Ministers of Foreign Affairs of all national governments within 1 month of the passing of this motion; and
5. REQUESTS the IUCN president and IUCN Members and Commissions to support the establishment of a new international crime of ecocide by making reference to this Resolution in all relevant contexts.

Explanatory Memorandum (max. 500 words)

It may contain background information, historical notes or relevant publications or websites, as well as further details about the actions, strategies or processes, the financial and human resources required to implement the proposed motion.

Mass damage and destruction of the environment or 'ecocide' has been committed relentlessly over decades in pursuit of economic development and is a root cause of the global climate and ecological crisis. For the most part, no one is held responsible. By making ecocide an international crime, we create individual criminal responsibility for key decision makers as an enforceable deterrent from practices threatening the 'peace, security and well-being of the world'.

By adding the crime of ecocide to the Rome Statute of the International Criminal Court (ICC), a coherent law can be created across borders. This provides protection for the Earth's most vital and precious ecosystems while supporting the systemic changes required to transition to a safe operating space for humanity, acting as a guardrail and guidance system for the better attainment of Paris Agreement targets and UN Sustainable Development Goals. There are currently 123 States Parties to the Rome Statute; over 50 are IUCN Member States. States Parties hold equal voting power to make ecocide an international crime.

Interest in criminalising ecocide is already a matter of public record at parliamentary and/or government level in the following countries via motions, resolutions, parliamentary questions, petitions, white papers or full proposals of law: Bangladesh, Brazil, Bolivia, Belgium, Chile, Finland, France, Luxembourg, the Maldives, Netherlands, Scotland, Spain, Sweden, the UK and Vanuatu; also at the European Parliament, the Nordic Council and the Inter-Parliamentary Union.

In November 2020, an independent panel of top international criminal and environmental lawyers from around the world was convened by the Stop Ecocide Foundation to draft a definition of ecocide crime which could be proposed at the ICC to sit alongside genocide, war crimes, crimes against humanity and the crime of aggression.

In June 2021 the panel reached the following consensus definition: *“ecocide” means unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts.*

This language builds strongly on legal precedent with reference in particular to ENMOD and the Geneva Convention as well as the existing Rome Statute crimes, striking a balance between the protection of ecosystems and integration with and enhancement of existing laws, both national and international. In the context of newly published reports (IPBES/IPCC workshop report, June 2021 and IPCC AR6 report, August 2021), this definition offers, for the first time, a clear, credible basis on which governments can work together to put in place genuinely enforceable protection for nature and future generations of all species, including our own.

There is an unprecedented opportunity and urgency to pursue this now, with the UNFCCC COP26 imminent, and a rising awareness of the seriousness of our global predicament. It is of the utmost importance to take decisive action in the next few years to address the global climate and ecological crisis. Ecocide law is a simple, strategic intervention that can create positive impact at scale, accelerating the transition to a sustainable society functioning in harmony with nature.

Proponent *

In accordance with Rule 52, only Members eligible to vote or the Council may propose a motion.

Stop Ecocide International Ltd

Co-sponsors (minimum 10 Members eligible to vote) *

According to Rule 52 at least 10 Members eligible to vote from at least two Regions will need to co-sponsor new and urgent motions. Please list them below (Member organisation/institution and name of contact person). In transmitting your motion to motions@iucn.org please ensure that all co-sponsors are copied.

1. Born Free Foundation (Mark Jones) - UK
2. Both Ends (Natalie van Haren) - The Netherlands
3. Center for Biological Diversity (Tanya Sanerib) - USA
4. Center for Environmental Legal Studies, PACE University (Smita Narula) - USA
5. Environmental Law Program at the William S. Richardson School of Law (David Forman) - USA
6. ERuDeF (Louis Nkembi) - Cameroon
7. Gallifrey Foundation (Antoinette Vermilye) - Switzerland
8. Natural Resources Defense Council (Paul Todd) - USA
9. Synchronicity Earth (Jessica Sweidan) - UK
10. Sylvia Earle Alliance / DBA Mission Blue (Deb Castellana) - USA
11. Vereniging Milieudefensie / Friends of the Earth Netherlands (Donald Pols) - Netherlands

Part II: Supporting questions

1. Does the proposed motion Correspond with the purpose of motions as defined in Rule 48bis: define the general policy of IUCN and to influence the policies or actions of third parties, or to address the governance of IUCN, within the parameters of IUCN's mission and objectives as set forth in Articles 2 and 3 of the Statutes? *

YES

2. Have you searched the [IUCN Resolutions and Recommendations Platform](#) to ensure that this motion does not repeat previously adopted Resolutions or Recommendations? If similar Resolutions or Recommendations exist, please explain how this one is new. *

The present motion does not repeat previously adopted Resolutions or Recommendations but it does offer the opportunity to fulfil IUCN's obligations under certain Resolutions, namely IUCN Resolution WCC-2016-Res-076-EN *Improving the means to fight environmental crime (sections 1, 3, 4a and 4d)* and IUCN Resolution WCC-2020-Res-038-EN *Treating organized crime having an impact on the environment as a serious crime (section c)*

3. If the motion focuses on local, national or regional issues, please provide evidence that (1) the matter has been engaged at local, national and/or regional instances and that the desired result has not been achieved, and (2) that the Members and relevant Commission members as well as other stakeholders in the geographic area in question have been consulted.

n/a

4. Specify which IUCN constituents or third parties referred to in the operative paragraph(s) of this motion, or who may be in a position to address the underlying issues (as applicable), have been consulted and/or have collaborated in the development of this motion: *

Time constraints have prevented any significant prior consultation concerning this New & Urgent Motion.

5. Please specify which actions and resources will be required to implement the motion, including the contributions which the proponent and co-sponsors intend to make towards its implementation. *

1. Communication of the above Resolution to Ministers of Foreign Affairs of all national governments.

Stop Ecocide International proposes to:

- draft this communication for approval and signature by the appropriate IUCN officials;
- in collaboration with IUCN, prepare a list of email addresses of the aforementioned Ministers to which the appropriate IUCN official may send these communications as a PDF attachment; and
- following the signature by the appropriate IUCN officials of hard copies of the communication, prepare and send these by post to the aforementioned Ministers.

2. Support of IUCN states which are Parties to the Rome Statute to engage in discussion and development of an amendment to the Rome Statute to include ecocide as a fifth international crime

Stop Ecocide International proposes to:

- provide legal and informational briefings and resources to strategically support initiating and/or developing relevant discussion among states and at the International Criminal Court;
- support and encourage such discussion by means of our global public campaign engaging civil society at all levels and on all continents;
- connect interested stakeholders of all kinds worldwide (diplomats, politicians, lawyers, corporate leaders, NGOs, indigenous and faith groups, influencers, academic experts, grassroots campaigns and individuals) in order to rapidly and creatively support these discussions;
- promote specific initiatives such as a “Friday Afternoon Think-tank” across all industries, enabling the application of industry-specific expertise and innovation to evolving compliance pathways which treat ecocide law as a spur to sustainable practices, i.e. as a guardrail and a guidance system towards an economy that thrives with nature.

6. Does the proposed motion concern issues arising in a State or States outside the proponents’ State / Region? If so, please indicate which co-sponsor(s) is/are from that Region. *

The motion addresses a global issue.

7. Is the subject of this motion **new** as required by Rule 52? If yes, please explain how. *
(“New” means that the issue which is the subject of the motion has arisen or has been subject to developments occurring after the closing of the deadline for the submission of motions and, at that time, could not have been foreseen.)¹

Yes. Three texts have emerged since June 2021 the content of which could not have been foreseen and the combined effect of which leads directly to the proposing of this motion: the IPBES/IPCC joint workshop report (June 2021); the legal text for a new international crime proposed by the Independent Expert Panel for the Legal Definition of Ecocide convened by the Stop Ecocide Foundation (June 2021); and the IPCC AR6 report (August 2021).

8. Is the subject of this motion **urgent** as required by Rule 52? If yes, please explain how. *
(“Urgent” means that the issue is of such importance that it requires an immediate response from the Union in the form of a Resolution or Recommendation.)²

Yes. The requirement to prevent the ongoing mass damage and destruction of nature or ‘ecocide’ has become supremely urgent, as evidenced by the aforementioned reports. The UNFCCC COP26 climate talks offer an imminent and unprecedented opportunity to raise discussion of criminalising ecocide at the international level, which will take some time to implement (the Stop Ecocide Foundation estimates 4-5 years). The IUCN congress is

¹ Note the following two examples from the Congress 2016, when the Resolutions Committee rejected new and urgent motions for failing to meet the “new” criterion:

- Conservation in the South China Sea* was rejected because the subject was not new and it did not bring new evidence to bear on the issue, which was already in the public domain prior to the original motion submission deadline.
- Founding of a World Environment Organisation* was rejected because insufficient information was provided to determine whether the motion was new or urgent.

² Note that in 2019, the IUCN Council amended the definition of “urgent” in the context of new and urgent motions. This new definition aims to tighten the criterion, and therefore make the basis for the Resolution Committee’s decisions clearer and less controversial.

uniquely positioned to encourage this discussion and meets only every 4 years – if we wait until the next congress, given the importance of decisive global action within the present decade, we shall lose precious time in moving forward this essential safeguard for the world's most vital ecosystems.

9. As requested by [WCC-2016-Res-001](#), please indicate when the motion automatically ceases to be effective and will be moved to the Resolutions and Recommendations Archive. This can be either when a stated period has elapsed or when an objective has been achieved.

Once the communication containing this Resolution has been made to Ministers of Foreign Affairs of all national governments, the purpose of section 4 of the motion will be fulfilled. Once ecocide has become an international crime, sections 1, 2, 3 and 5 of the motion will be fulfilled and the motion may be moved to the Resolutions and Recommendations Archive.

Part III: Focal point and author contact information

Please provide below the name of a focal point who would be in charge of reporting annually on the follow-up and implementation of the motion if adopted.

Name *

Judy

Surname *

Foster

Institution *

Stop Ecocide International Ltd

Email *

judy@stopecocide.earth

Please provide the proponent's contact information, in case any follow-up is required on behalf of the Resolutions Committee during Congress.

Proponent's contact (including email) *

Jojo Mehta +44 7746 395323 jojo@stopecocide.earth