

THE UN CLIMATE CONFERENCE COP22 – MARRAKESH 2016

## Civil Society petition for an International Court of the Environment

The International Court of the Environment Foundation (ICEF), on the occasion of the UN Climate Conference in Marrakesh, repeats the request made for the first time in Rio in 1992 for the creation of an International Court of the Environment, together with many other NGOs, scientific organizations and various concerned States

*Proclaims that*

the necessity and urgency of this new judicial institution has become even more relevant due to the severe climate change that is occurring and the overall degradation of the planet Earth in its fundamental equilibrium;

*States that*

it respects the essential role of the United Nations, international organizations and the States of the different continents, but feels that it is even more important to call to mind their legal responsibilities and policies in relationship to the protection of the fundamental value of life, in the interests of all humanity and future generations (responsibility to protect);

*Believing that*

generic assurances or commitments that are not precise or specific enough in content are insufficient in the timeframe and manner for the compliance by all responsible parties and, primarily by the States who bear the main responsibility for the legal protection of the common environment in all its components;

*Denounces*

in a strong and loyal manner, on an ethical and cultural level, the States for not having fulfilled the commitments made in Rio in 1992 with the Conventions on Climate Change and Diversity, although they declared that "change in the Earth's climate and its adverse effects are a common concern of humankind" and that biodiversity is important "for evolution and for maintaining life sustaining systems of the biosphere";

*Denounces*

In particular, the States

- for the serious delay-that persists- in the adoption of preventive and precautionary measures both in their national law and in the international arena, aimed at arresting the economic causes of the grave global crisis of the climate, water and biodiversity;

- for not having made public and adopted a common credible and effective strategy for real global economic and environmental governance duly characterized by specific and binding commitments on behalf of the international community as a whole;
- for not having defined the transition phase necessary for transit from the economy based on fossil climate changing energy to a new, positive, truly sustainable economy: this step means that, in the short term, coal, oil and natural gas should not be extracted from the ground or from the sea and, above all, they must no longer be marketed and used with the resulting geopolitical implications inevitable for saving the planet;
- for having so far ignored the role of civil society betraying the hopes raised in the 1992 Rio Conference: indeed it is civil society, that is, individuals and peoples, who perceive in advance the signs and effects of climate change, the water and food crises, the loss of the unique heritage of widespread biodiversity; civil society itself now feels threatened with regard to the primary value of life for themselves and their descendants and are harshly judging the States and their insistence on self-attributing and not recognizing human rights, including that of to life itself;
- for having tolerated serious damage to the common resources of the planet, both in the internal areas of their jurisdiction, and in external: most recently, the deliberate and intentional criminal behaviour of a famous car manufacturer direct towards concealing and falsifying the actual data of atmospheric emissions, without a legal exemplary reaction from a real international court.

### *Proposes*

- a positive and collaborative strategy of all involved parties in a common destiny for the protection of life on earth, our only common home: individuals, associations and groups, peoples, public and private companies, multinational corporations, governments, international organizations, and the international community;
- a common economic strategy for the equitable and rational use of resources, energy conservation, the use of renewable energy, environmentally friendly trade, a rational and non-predatory utilization of the soil and fertile lands, a special care for all biodiversity and freshwater, an ecosystem approach to the seas and oceans as well as rivers...and, of course, an immediate halt to current international financial speculation and tax havens;
- to immediately ensure the effectiveness of existing international legal rules and of new international obligations that will arise from the 2015 Paris Climate Conference;
- to ensure a balance between two international poles: an administrative authority (perhaps the current reformed UNEP) and a judicial authority (perhaps the current International Court of Justice if its Statute was amended). Present crimes committed by individuals against the environment can immediately be included within the jurisdiction of the International Criminal Court, if it gains a majority of two thirds of the Parties without it being necessary to amend the Rome Statute.

- to create an **International Court for the Environment** in the form to be considered to be the most appropriate by the international community to be located provisionally in The Hague: a **new institution because it will give access not only to States but also to international organizations, NGOs and individuals, in the name of a universal human right which is life itself.**
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