

• STOP ECOCIDE FOUNDATION •

Statement on the Kunming-Montreal Global Biodiversity Framework Montreal, December 2022

Enabling condition for successful implementation of the Kunming-Montreal Global Biodiversity Framework: an international crime of ecocide

Your Excellencies, Distinguished Delegates

According to its stated **Purpose**, the Global Biodiversity Framework (GBF) aims to “catalyze, enable and galvanize urgent and transformative action by Governments, subnational and local governments, and with the involvement of all of society to halt and reverse biodiversity loss”. Its **Target 14** is to “Ensure the full integration of biodiversity and its multiple values into policies, regulations, planning and development processes, poverty eradication strategies, strategic environmental assessments, environmental impact assessments and, as appropriate, national accounting, within and across all levels of government and across all sectors”.

We welcome the Framework that has been agreed in Montreal, in particular the importance given to the knowledge, rights and practices of indigenous and local communities throughout the document as well as acknowledgement of the rights of nature. At the same time, given the non-binding nature of the agreement, it is important to acknowledge that the conditions for implementation remain inadequate.

Considerations for the implementation of the framework (section C.10) states that: “success requires political will and recognition at the highest level of government, and relies on action and cooperation by all levels of government and by all actors of society.”

At the same time the preamble of the **Draft elements of a possible decision operationalizing the Post-2020 GBF**¹ noted that “none of the Aichi Biodiversity Targets has been fully achieved and that this undermines the attainment of the 2050 Vision for Biodiversity and other

¹ CBD/WG2020/4/L.2 26 June 2022

international goals and objectives” and was “*Alarmed* by the continued loss of biodiversity and the threat that this poses to human well-being and the prospects for reaching the three objectives of the Convention.”

There is a fundamental consideration for implementation - indeed, a key enabling condition beyond the “provision of adequate, predictable and easily accessible financial resources” mentioned in section I.33 - which is not addressed by the Kunming-Montreal GBF, the absence of which will continue to prevent effective implementation, as it prevents the effective implementation of all multilateral environmental agreements. This condition is the correct ***criminal law framework***, and more specifically, the sanctioning of threats of severe and either widespread or long-term harm to the environment (***ecocide***).

The problem, we would suggest, is a simple one of psychology. It is a natural human tendency to continue with established practices unless required to re-evaluate, whether by external circumstances or by legal requirement. Where established practices are profitable (as many which threaten global biodiversity - and hence the very habitability of our planetary home - undoubtedly are), this is doubly the case, and what is not expressly prohibited is often assumed to be permitted.

Knowledge - scientific, indigenous and traditional - is essential, but knowledge alone is not enough to catalyze change *at the pace required*, and neither are multilateral pledges and agreements, as we can see by the struggle of many nations to meet Paris emissions reduction targets, for example.

In the face of this default political and industrial inertia, the comprehensive, multi-sector, multi-level shifts required to fulfill the Kunming-Montreal GBF recommendations will be difficult, if not impossible, to implement in time without a suitable criminal law framework in place at the global level.

Recognising ecocide (acts threatening the worst environmental damage and destruction) ***as an international crime*** is the key missing element in this legal framework. It will create the preventive and normative “outer boundary” guardrail to deter severe harms, strengthen existing laws, and begin to redirect policy and funds in positive ways. Indeed, the global investment community is already calling for an international crime of ecocide² and a growing

² ICGN Statements of Shared Climate Change Responsibilities to the United Nations Climate Change - both for [Conference of the Parties 26](#), 2021 (see final paragraph) and [Conference of the Parties 27](#), 2022 (penultimate paragraph)

number of states are discussing it.³ The UN “Race 2 Zero” initiative has already described ecocide law as a “driver and influencer of change”⁴.

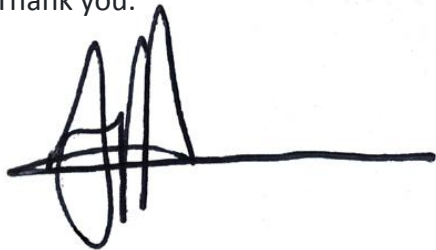
In 2021 an independent panel of 12 experts⁵ from around the world drafted a consensus legal definition of ecocide as a potential 5th crime under the Rome Statute. The core text is concise and balanced, addressing threats of the most severe harms while acknowledging and strengthening existing law:

*“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.*⁶

The definition has been described by Frans Timmermans, Vice-President of the European Commission, as an “excellent starting point” for governmental discussions.

Now that the Global Biodiversity Framework has been agreed, we urge all States to seriously and urgently consider the criminalisation of ecocide at the international level as a simple yet powerful - indeed a necessary - aid to its implementation.

Thank you.



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³ See <https://www.stopecocide.earth/leading-states>

⁴ See [The Pivot Point](#) report, September 2022, chapter 7.

⁵ [Independent Expert Panel](#) for the Legal Definition of Ecocide convened by the Stop Ecocide Foundation

⁶ Full definition and commentary along with translations available here:

<https://www.stopecocide.earth/legal-definition>