

*United Nation Environmental Programme
(UNEP)*

*Addressing
ecocidal tendencies
in territories
belonging to
indigenous communities*



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Ana Sofía Miranda López **Strength in diversity**

Helena Vera Álvarez

1. INTRODUCTION

The United Nations Environment Programme (UNEP) was established on June 5, 1972. It is the leading environmental authority in the United Nations system, and it is the one who sets the environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development, and serves as an authoritative supporter for the global environment (UN environmental programme, n.d.). UNEP has a mission, and it is to promote leadership and encouragement in caring for the environment by inspiring, informing, and enabling nations to improve their quality of life without compromising future generations.

UNEP also supports states in order to ensure that environmental sustainability is contemplated in the development of the state, having the necessary tools and technologies to protect the environment, and to improve quality of life (UN environmental programme, n.d.). As part of his mission, this organ also evaluates environmental conditions and movements at a global level. They develop agreements and environmental instruments that will support the ideas and conditions at different places and they strengthen institutions for wise management.

An ecocide can be understood as a massive damage and the destruction of ecosystems. This term implies acts of destruction in natural environments, as well as all acts which by nature may provoke an environmental disaster (Myers, 2021). Ecocide has been committed frequently over the decades, and it is a root cause of the climate and ecological crisis that takes place nowadays.

This ecological crisis previously spoken of consists of: ocean damage (Industrial fishing, oil spills, plastic pollution, deep sea mining), deforestation (industrial livestock farming, mineral extraction, oil drilling) land and water contamination (oil spills, mining, mountaintop removal, fracking, textile chemicals, agricultural pollution), and air pollution (chemical disasters, radioactive contamination, nuclear testing, industrial emissions) (Myers, 2021). These are some examples of activities that can lead to ecological destruction, and they can be addressed by an “ecocide law”. Ecocides becoming a crime would be a significant change in environmental protection.

These climate and ecological emergencies are the result of many years of industrial activities that are harmful to many sectors of the environment (Kuttner, n.d.).

Most of the environmental risks are known from a long time ago given that international companies opt to continue with these practices. All responsibilities lie in the decisions taken at the top of industry, finance, and government. These ecocides are now part of the capitalist system that most of the world forms part of, where economic trades come from.

UNEP has an important role in society, focusing on indigenous communities since they have valuable inputs regarding traditional knowledge gained through generational experiences, observations and transmissions, and this knowledge can contribute to the management and development of the sustainable ecosystem. Furthermore, their close relationship and dependency on functioning ecosystems have made many indigenous people extremely vulnerable to changes and damages in the environment. “Logging, mining activities, pollution and climate change all pose increasing threats to indigenous livelihoods and their survival” (UN environment programme, n.d.).

II. HISTORY OF THE PROBLEM

Concerns regarding global warming were recognized in the beginning of 20th century, specifically in industrialized countries. Giving as a result the emergence of worldwide organisms responsible for the care of ecosystems, including the adequate exploitation of natural resources in the 1970s (Dehays, 2000). However, at the beginning of the 1970s there existed few countries who possessed regulation laws in regard to the usage of the environment and natural resources. Due to this, two events of international order marked the guidelines of the public policies regarding the natural resources and the environment: The United Nations Conference on the Human Environment in 1972 at first, and the Rio Conference in 1992.

In addition, the protection of the environment was converted into an important worldwide topic since the Stockholm Conference. In this conference, it was recognised the damage triggered by the human hand in several regions of Earth. These damages include water, earth, and air pollution, including the disruption of the ecological balance of the biosphere and the destruction and depletion of non-renewable resources (García, 2020).

Taking into account that during the 1970s an era began, in which the preservation and care of the environment come to an end and will be an action to be implemented. During the upcoming years, even though nations advanced in technical and scientific areas, in the political plane it continued to leave apart environmental issues (García, 2020). An aspect that increased the agraviation of the environment, but at that time it was also a reality was the decadence of the Ozone layer, temperature increments on Earth and the loss of forest .

On the other hand, the first time the word “ecocide” was heard was in the UN Environmental Summit in Stockholm in 1972 when the Prime Minister of Sweden claimed that the United States of America was committing ecocide for its practices in the last years of the Vietnam conflict (García, 2020). Having as a result of that belic conflict devastating consequences on territory, that include the destruction of ecosystems. For example, the several attacks with Orange Agent, implemented as a chemical weapon during the conflict that left lands unable to occupy .

In addition, in 1977 the United Nations adopted the Convention on the Prohibition of Military or Hostile Use of Environmental Modification Techniques with the aim to avoid similar events as Vietnam. However, human beings have multiplied and diversified the environmental footprint on the planet without having belic conflicts, making severe scars on it, such as plastic islands, deforestation, oil spills, and savage exploitation of ecosystems (García, 2020). All these events provoked a gradual and constant destruction that in the majority of the cases, no justice and consequences are applied, even though a nation possesses strong environmental legislations.

Finally, seven serious historic ecocides have taken place, known as: “Alberta Tar Sands” (dirty oil), considered the most ambitious project having massive repercussions in the environment due to the extraction of Tar sands. “The North Pacific Gyre”, a trash island of approximately 100 tons of plastic which rotates due to the presence of a whirlpool from Hawaii to Japan. And “The Niger Delta”, an area the size of Ireland in Nigeria marked by polluted rivers and land due to the extraction of petroleum (Alto al Ecocidio, 2011).

The “Bingham Canyon Copper Mine” is also part of this classification, consisting of being in operation since 1906, it possesses an area of 1.2 km and depths of 7.7km². “Toxic discharge made by Chevron Texaco in Ecuador”, the company Chevron

Texaco liberated around 18.5 billions of gallons of polluted water mixed with petroleum into unlined wells. Tianying lead melting in Anhui province in China, including other heavy metals, are generating changes in the atmosphere and the ecosystem in the surroundings, considering the area one of the 30th most dirty zones (Alto al Ecocidio, 2011). Last but not least, the Amazonia, the most known ecocide, consists of the excessive destruction of the rainforest, and the increment of minery activities.

III. CURRENT SITUATION

During the last years indigenous lands have been taken away by transnational companies that explode a wide list of resources that those lands contain. Taking into account that the snatched resources are fundamental for the survival and daily basis of indigenous communities (Girardi 2014). Hence, the result of these exploitations is a “development” that constantly threatens the communities by polluting and intoxicating lands and water, influenced by manipulative governments and corporations in which destruction and appropriation only translates to economic incentives .

Unfortunately, ecocides have not decreased, making it a challenge and a complicated goal, mainly due to the economic system in which the world and society is involved. Taking into account that the dominance relationships spawned by this system has a deep impact towards the ecological dimension, contamination and destruction of natural means are consequences triggered due the occupation of important natural territories (Girardi 2014). Even though the world continues dealing with several challenges such as COVID-19, other challenges have emerged during 2022, making it a year in which climate change, the loss of biodiversity, and pollution have evolved in a severe way including their consequences.

However, in a world where the priorities turn around incentives and profit with nature, ecocides seem to be obsolete and insignificant to governments, corporations, and industries, leaving behind serious implications such as the anomalies in temperature or significant losses in flora and fauna. In addition, during 2021 and first months of 2022, at least ten severe ecocides were provoked; starting in Uruguay, where at least 25 Ceibo trees were felled with the justification of a “cleaning” performed by workers of the Environmental Management of the area. Furthermore, considerable areas of reeds were

removed, and replaced with sand, provoking a massive extinction of birds and lizards species (Ruperto, 2021). In San Benito Uno, Guatemala, a massive petroleum spill generated by the Latin American Resources Oil Company, eradicated the aquatic life of rivers. Triggering implications such as the total eradication of marine flora and fauna in San Benito, but also repercussions regarding livestock activities, useful for economic livelihood.

On the other hand, the Electrical Company CaribeMar in Colombia, generated a massive logging due to the access of electrical nets. Similarly, in Oxapampa, Peruvian workers hired by the local government realized ilegal deep trenchings on the Churumazu forest. This generated severe deterioration in the forest, due to the elimination of endemic Peruan flora (Ruperto, 2021). Furthermore, in Pozo Hondo, Uruguay, a massive logging also occurred where native Bulnesia Sarmientoi trees were cut down. Taking into account that these wood acquired a high value for the indigenous Chaqueños, and was implemented as raw material for the construction of perimeter sticks leaving around 2 km of deforested area.

Furthermore, in Guadalajara, Mexico, in the forest named “El Nixticuil” 900 native oak trees were felled due to the construction of “Capital Norte”, luxury residences by real estate companies. This action not only had a severe impact on biodiversity, it also affected hydrological zones of the Nixticuil forest. In addition, regarding the animal damage, in the Atlantic Coast, specifically in the province of Chubut (Argentina) more than 300 penguins and 140 nests were abolished as a result of a road construction of 800 meters (Ruperto, 2021). Taking into account that also electrified nets were installed, triggering the surrounding of penguins between the nets generating a stunted possibility of living .

Tree felling, oil spills, minery waste, water, and air pollution are human-caused disasters, in which the implications are proportional to their magnitude. This, threatening nature as well populations. Considering that on the environment it is triggered the loss of biodiversity, depletion of resources, and soil erosion among others. Until the year 2020, around 58% of the earth's fauna has been lost, due to human actions that continue gradually driving towards an irreversible climate change (Cerrillo, 2016). Despite nature being affected on the social field, ecocides can provoke population displacement, lack of food security including health problems. Establishing that the

environment degradation will intersect with social dissolution generating severe consequences at the same time (Iberdrola, n.d.).

IV. UN ACTIONS

According to the United Nations, countries such as Ukraine, Armenia, Bielorrusia, Kazajistan, Rusia, Uzbekistan, Ecuador, Moldavia, Tayikistan, and Kirguistan have typified ecocides as a crime inside their frontiers. Furthermore, the international community also moved forward in this topic, such that in 2018, the General Assembly of the United Nations approved the resolution “Towards a Global Pact for the Environment” (UN, 2018). This is a resolution that aims to establish the bases of an International Environmental Law.

Inside the United Nations, ecocides now classify as a new type of international crime. Becoming the fifth category of offenses to be prosecuted under the court, alongside belic and crimes against humanity, genocide, and the crime of agression (UNEP, 2021). This recognition enhances the global trend in increased proposals and rearrangements in environmental laws. Triggering new solutions, ideas and approaches regarding the emergence of a planetary crisis. Driving governments to consider nature, including the recognition of its rights and the implications if they are forbidden. On the other hand, several businesses are working under the concept of “non-zero waste”, rearranging their commitments and activities, where their operations are focused in a new regulatory field in which environmental and social responsibilities are priority.

Also, UNEP has a long-standing commitment and mandate to support member states to develop and implement environmental laws. Taking into account that it is also aimed to support countries in order to develop and implement environmental law, build-related capacities, and achieve the environmental dimension of the Sustainable Development Goals (SDGs) and other international commitments (UNEP, 2021). Finally, UNEP aims to stimulate leading economies to promote clean energies and transport, green buildings, energy efficiency and a clean research and development .

V. POSSIBLE SOLUTIONS

In order to gradually decrease ecocides across nations, certain actions need to be taken:

01. Avoidance of impunity regarding any threatening towards nature by transnationals, considering any nation around the world. Taking into account that this avoidance is supported by the United Nations General assembly in the resolution “Global Pact for the environment”.

- a. Implementation of international environmental legislation, as well as the environmental objectives and goals agreed at the global level. (UNEP, n.d.). Strengthen environmental rights for greater protection of indigenous areas.
- b. It is promoted as a new legal instrument linked to the process of implementing the ethical principles of the community around the world. Its objective is to achieve an impact to consolidate and potential environmental law, taking into account the environmental challenges they face.

02. Furthermore, any kind of destruction provoked on ecosystems (flora and fauna) caused by emissions, toxics, radiation, extractions, excavations, constructions among others, might end towards a court in which sanctions are proportional to the damage, including a restoration of it by.

- a. To have better security and care of natural reserves, establish laws that sanction companies or citizens that damage these reserves and other citizens. The sanction must be according to the damage caused (Gobierno de México, n.d.). According to the Federal Penal Code, the figure of the crime of ecocide must be paid with 10 to 15 years in prison, plus a fine.

03. After severe damage caused by companies, reforest, clean and help to adapt the environment again to the needs of indigenous people and animals in the area.

- a. Organizations such as WWF, cosmetic companies, Greenpeace, Pro Natura, help to reforest and repair the damage caused by other companies, but that damage is sponsored by the fine that the company causing the damage pays.
- b. Create more organizations that aim to help the environment, and bring ideas and solutions so that ecocides can reach the point of resolution. Those organizations should be working with big organizations like UNEP to be able to have more power in the actions or ideas that they give.

VI. COUNTRIES INVOLVED

1. Republic of Colombia

On February 12, 2022, a person was sentenced for the first time in the country for having deforested 83 hectares of the National Natural Park for livestock activities (Latin American Post, 2022). There is an update of a law that allows exploration and exploitation in natural reserve areas, what this law allows is a limited protection to these natural reserves, with which it is used so that companies can use these natural reserves if it is shown that their activities will have a public utility.

2. Republic of Ecuador

It is currently a place with the worst oil disaster in the world, they call it "the Chernobyl of the Amazon" (ACNU, n.d.). Since 1964, the transnational oil company has built wells and stations for oil production in a part of the Ecuadorian Amazon. When the Texaco company arrived, they were given hectares of jungle, where several indigenous communities lived, to drill and large open-air pools with toxic waste. This caused extensive contamination, since toxic waste and formation waters were dumped, contaminating the atmosphere and groundwater that was used for people's daily lives . Thanks to this, several indigenous communities in the area had to leave their homes due to

the toxicity and health risk they had. Furthermore, people who lived there denounced the Texaco company for the pollution and health effects caused by the oil and other toxic substances.

3. Republic of Guatemala

One of the places where Ecocides are sentenced. In 2015 there was a complaint against the Reforestadora de Palmas del Petén company for having contaminated 150 km of the La Pasión River, which caused the death of more than 70 tons of fish. This company, despite being the home of the Maya Biosphere Reserve, and the expansion zone for African palm cultivation, is the company with the largest case of industrial contamination in Guatemala (Barreto, 2018). “It was not the first time, nor the second. There have been many times that palm processing plants have been dumped into the river. When it rains a lot, their pools overflow, but nothing like 2015,” recalls Hernández (Barreto, 2018). Hernández is part of the Sayaxché Commission for the Defense of Life and Nature . Guatemala and especially all of Latin America, has been the cause of many ecocides that have occurred in various ecosystems.

4. Republic of Peru

The President of Peru says that urgent action must be taken to punish those responsible for one of the largest ecocides that occurred on the Peruvian coast and sea, following the oil spill at the La Pampilla refinery, which is run by the company Repsol (SWI, 2022). The tanker spread throughout the sea, it has covered some of the beaches and another part is still floating in the sea. Oil not only affected the sea, but also two more nature reserves, the Ancón Reserved Zone and the Islotes de Pescadores, where species such as the Humboldt penguin and the sea otter live . These reserves are legally protected by the dirty government, which is why the government is seeking severe sanctions for this company.

5. United Mexican States

On May 4, 2019, the so-called Mitikah company cut down 60 trees on Mayorazgo street, where they wanted to build an overpass (Marín, 2019). The authorities intervened in this felling of trees, arresting 9 people along with the vehicles carrying the felled trees. Although the authorities took action to stop this, it was not enough because the damage had already been done. This happened in Mexico since there is clandestine logging as well as real estate permits by companies that claim to have permits. This would not be the first time in Mexico that companies use punitive and corrupt tools to favor their commercial interests.

6. Argentine Republic

7. Dominion of Canada

8. French Republic

9. Federal Republic of Germany

10. Federative Republic of Brazil

11. Kingdom of Belgium

12. Kingdom of Denmark

13. Kingdom of Spain

14. Kingdom of Sweden

15. Kingdom of the Netherlands

16. Oriental Republic of Uruguay

17. People's Republic of China

18. Republic of Chile

19. Republic of Costa Rica

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20. Russian Federation
21. Republic of Finland
22. Republic of Paraguay
23. Republic of Vanuatu
24. United Kingdom of Great Britain and Northern Ireland
25. United States of America
26. The Socialist Republic of Vietnam

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