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Laudatory speech for *Dr Matthew Gillett*, Prosecuting Environmental Harm before the International Criminal Court, 2022

Award of the Third International Science Prize of the Hans Günter Brauch Foundation

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– *Check against delivery (the spoken word prevails).* –

Good evening.

Chairman of the Hans Günter Brauch Foundation's Board, Dr Brauch,

Lord Mayor Stipp,

Distinguished colleagues from the scientific community,

Honoured guests,

And, above all, our award winner, Dr Matthew Gillett, and his family!

Let me begin by expressing my gratitude to the Hans Günter Brauch Foundation for Peace and Ecology in the Anthropocene and its chairman, Dr Brauch, for the honour of delivering today's laudatory speech on Dr Matthew Gillett's exceptional work, 'Prosecuting Environmental Harm before the International Criminal Court'.

Looking at the list of previous winners of the International Science Prize and this year's honourees, it is striking how many outstanding scholars from various disciplines around the world the Hans Günter Brauch Foundation has honoured and brought together here in Mosbach

during its relatively short history. The foundation and its chairman, Dr Brauch, are to be warmly congratulated on this, as well as on their other work.

The International Science Prize, awarded by the Hans Günter Brauch Foundation, recognises innovative and outstanding scholarly studies addressing peace, ecology, the Anthropocene and their interconnections.

This year's prize focused on the theme of: 'Impacts of Wars and Global Environmental and Climate Change on Food Insecurity, Hunger and Migration'.

Dr Matthew Gillett's study highlights the anthropocentric conception of the International Criminal Court in The Hague and develops innovative proposals on how environmental harm can be prosecuted under international criminal law in the future. It is therefore no exaggeration to say that it meets the prize's requirements perfectly.

Dr Matthew Gillett is a renowned international law expert with many years of experience in academia and international legal practice. Since 2021, he has been an associate professor at the renowned University of Essex. His academic work has already received several awards, and with good reason. He contributes his expertise to numerous bodies, including the *United Nations Platform for Independent Experts on Refugee Rights*, and as Chair-Rapporteur of the *United Nations Working Group on Arbitrary Detention*. Thanks to his many years of work at the International Criminal Court and the Special Tribunal for the former Yugoslavia, Dr Gillett has developed a wealth of expertise in international criminal law, which is clearly evident in the study being honoured today.

Dr Gillett completed his education at the University of Otago in his native New Zealand, the University of Michigan in the United States and Leiden University in the Netherlands. I would like to mention that I feel a connection to today's award winner, as I also had the opportunity to complete a Master's degree at the University of Michigan. Therefore, in the best Michigan tradition, I cannot resist calling out to you, Matthew: 'Go Blue!' We will certainly be able to explain what this means to the participants of today's award ceremony in the course of the evening.

Ladies and gentlemen,

In light of the ongoing conflicts in Ukraine, Gaza and many other regions worldwide, there is frequent discussion about a crisis in international law. After all, the prohibition of the use of force is one of the cornerstones of the international legal order. However, it is important to recognise that international law is widely observed in many areas, and that violations often result in various sanctions.

One area of international law that has received significant input from international courts in recent years is climate protection. In its *Klimaseniorinnen* ruling in 2024, the European Court of Human Rights in Strasbourg ruled that climate change poses a threat to human rights and that the contracting states must act. A similar opinion was issued this year by the Inter-American Court of Human Rights in San José, Costa Rica. Furthermore, both the International Tribunal for the Law of the Sea in Hamburg and the International Court of Justice in The Hague have issued opinions in the last two years affirming the international community's legal obligations in the fight against climate change.

This overview demonstrates that numerous international courts exist – I will discuss another one shortly – and that, currently, international case law in the fight against climate change and environmental destruction focuses primarily on the obligations and responsibilities of *states*.

This brings us to Dr Gillett’s study. One of its great merits is that it focuses on the *individual*. Could an individual be prosecuted for environmental harm at the International Criminal Court in The Hague? It should be noted that the International Criminal Court, which has jurisdiction over individuals, should not be confused with the International Court of Justice, which is also based in The Hague and has jurisdiction over disputes between states.

The work being honoured today is grounded in the recognition that armed conflicts are regularly accompanied by severe environmental destruction, and that such destruction is in some cases even carried out deliberately. The destruction of the Kakhovka Dam in Ukraine in the summer of 2023, with its devastating ecological consequences, is a timely and disturbing example.

The International Criminal Court in The Hague began its work in 2002. It has jurisdiction over the four core crimes of international criminal law: genocide, crimes against humanity, the crime of aggression, and war crimes.

In his vividly written study, Dr Gillett for the first time highlights the potential and challenges of prosecuting individuals for environmental harm before the International Criminal Court. His detailed analysis of the crimes falling under the Court’s jurisdiction and its procedural law reveals that the Court is anthropocentric – that is, it places human beings and their interests at the centre.

This is particularly evident given that the environment is mentioned only once in the Court's Statute. Dr Gillett concludes that, while it is not entirely hopeless to prosecute environmental harm before the International Criminal Court in its current form, this can only be done indirectly. Under the current conditions, the prosecution of environmental harm would 'subordinate ecocentric interests to anthropocentric ones, by reinforcing that harm to the environment can only be prosecuted when human interests are harmed'.

Against this background, Dr Gillett offers some interesting proposals for reform. These include revising the Court's Statute to include a new criminal offence specifically protecting the environment. This could, for example, be 'ecocide', a term coined by analogy to 'genocide', which – put very simply – criminalizes the gravest forms of environmental harm.

Dr Gillett also addresses the important question of the extent to which a possible ecocide offence could provide for corporate criminal liability, given that much environmental damage is caused by corporate activities.

Alongside revising the Statute of the International Criminal Court, Dr Gillett discusses establishing a new court with specific jurisdiction over environmental harm. The advantage of this would be that it would be tailored to the specific challenges of such proceedings.

Building on these reform proposals, Dr Gillett develops an independent definition of ecocide that could be applied to both a revised Statute of the International Criminal Court and a newly established environmental court. To keep this evening's proceedings running smoothly, I shall refrain from setting out in detail here his definition of ecocide, which in the book occupies nearly three pages.

One of the book's major strengths is its comprehensive discussion of the opportunities and challenges posed by the proposals it advances. It remains unclear whether, in the foreseeable future, either an amendment to the Statute of the International Criminal Court in The Hague or the creation of an entirely new environmental tribunal could garner broad support within the international community.

Indeed, the International Criminal Court has recently seen a number of withdrawals: only at the end of last month did the three African states of Mali, Burkina Faso and Niger announce that they would leave the Court; Hungary, too, has initiated its withdrawal this year. Moreover, major states such as the United States, India and China are not members of the Court in any event.

On the other hand, it should be borne in mind that the broader international legal climate can change again at any time.

Additionally, numerous developments that share the thrust of Dr Gillett's study have occurred since its publication in 2022. For example, the EU Environmental Crime Directive of 2024 strengthens efforts to combat environmental crime. In the same year, the island states of Vanuatu, Fiji and Samoa submitted an official request to amend the Statute of the International Criminal Court to include ecocide as a crime. And at the end of 2024, the Office of the Prosecutor of the International Criminal Court reaffirmed in a draft policy paper titled 'Environmental Crimes Under the Rome Statute' that environmental crimes are a priority for the Prosecutor's Office. Unsurprisingly, the paper cites Dr Gillett's study several times.

The fact that the Office of the Prosecutor of the International Criminal Court has cited our award winner highlights the significant value of Dr Gillett's study for the academic community, interested experts and international legal practice.

Dr Gillett, dear Matthew, I would like to congratulate you with great respect on your outstanding study, which is being rightly awarded the International Science Prize of the Hans Günter Brauch Foundation today.

It is now my great honour to invite our prize winners, Dr Matthew Gillett and Dr Angela Lederach, to the front of the stage for the award ceremony, which will be conducted by members of the Foundation's Board, Dr Happes and Dr Brauch. This concludes my remarks. Once again, I would like to congratulate the award winners on this well-deserved honour, and thank you for your attention.