

CONCEPT NOTE

World Peoples' Tribunal on Climate Change



THE INTERNATIONAL PLATFORM FOR CORPORATE LIABILITY (IPCL OR PLATFORM)

IPCL is a Swiss association created in 2020 by Dr. Jelena Aparac. The mission of the Platform is to act against corporate impunity for core international crimes under the jurisdiction of the International Criminal Court (ICC), namely: crimes of genocide, crimes against humanity, war crimes and crimes of aggression. Moreover, the Platform supports the integration of environmental crimes into the Rome Statute and the expansion of ICC jurisdiction to include juridical persons such as corporations.

The Platform was founded on three cumulative objectives: (i) to encourage preventive action by fostering dialogue with corporate entities regarding their compliance with applicable standards and obligations under international law; (ii) to reduce the impunity gap by coordinating and supporting legal action in domestic and international jurisdictions; and (iii) to advance normative and institutional developments by advocating for amendments to international law.

IPCL started with a pilot project focusing on corporate criminal activity in a conflict-ridden country in the sub-Saharan region, where human rights violations and abuses are rampant. Primary investigations

concentrated on three specific categories of corporate contributions to atrocity crimes, involving diamond trafficking, gold trafficking and arms trafficking by various corporate entities. The results of the investigation formed the subject of a communication which is in the process of being prepared for submission to the Office of the Prosecutor of the ICC for their consideration.

IPCL is currently focusing its investigative and advocacy efforts on a new project, addressing the pressing global issue of climate change. The aim of this project will be to draw attention to the critical need for corporate accountability in the context of climate change.

CLIMATE CHANGE

Various scientific reports have, over the past decades, warned the international community about the impact of climate change. Human activities, notably including the activities of multinational corporations, are at the forefront of global environmental destruction and climate change. Corporations in specific sectors, such as fossil fuel, transportation, agriculture, and military, play a particularly large and damaging role in contributing to environmental pollution and climate change.

The threat of environmental destruction is a paradigmatic example of a global threat that needs to be addressed through effective international co-operation and collective action. To date, however, neither governments nor companies have taken adequate measures to prevent and redress the tangible and far-reaching negative consequences arising from climate change that we are witnessing today.

The world is in agreement that we must act with urgency and with a coordinated effort to address the problem and provide global solutions. Despite decades of efforts, the progress has been slow and major corporate polluters are unable or unwilling to implement sustainable solutions to substantially curtail their contributions to climate change, thus putting at risk the lives of billions of people now, as well as the future of new generations. It is imperative that we recognize the relationship between the actions of corporations and climate impacts and work on enhancing the accountability of major carbon producers, in order to provide effective remedies and justice to people and communities affected by the environmental degradation caused by corporate activities.

THE PROJECT – A PEOPLES’ TRIBUNAL ON CLIMATE CHANGE

Given the global scale of the consequences of climate change, the Platform intends to build a world-wide project, in which civil society organizations and other actors from countries around the world are encouraged to come together to engage companies in addressing their environmental and climate impacts. Thus, in January 2022, our team launched the organization of a World Peoples’ Tribunal on Climate Change (“the Tribunal”).

The Tribunal will take place as a formal session of the Permanent Peoples’ Tribunal (“the PPT”). The PPT organization, based in Rome, was established in 1979, as a direct continuation of the Russell Tribunals in Vietnam (1966-67) and Latin America (1973-76). Its founder, Lelio Basso, proposed that “these celebrated tribunals [also known as ‘opinion tribunals’] be transformed into a permanent institution that could become an instrument and platform to give recognition, visibility and a voice to the peoples suffering violations of their fundamental rights.”¹ In its 49 sessions, the PPT has issued many influential decisions on human rights, food and land sovereignty, decent labor standards, participation and democracy, ecology, as well as on economic and corporate crimes.

¹ For more information on the PPT, its creation and its organization, please see their website, accessible at <http://permanentpeopletribunal.org/?lang=en>.

The process of these opinion tribunals is unique and genuinely victim centered. The goal of each tribunal is to utilize international criminal law, humanitarian law and/or human rights law, to expose the culpability of actors who would otherwise enjoy impunity. In doing so, these tribunals also provide a critique of existing legal institutions for their failures to provide justice and redress to victims of international crimes. The foundation of peoples' tribunals is a belief in the necessity of justice from below, to fill critical gaps in institutional justice. Peoples' tribunals rely on the participation of civil society actors throughout the process as a means of legitimizing the entire tribunal and its final verdict. In fact, the first Russell Tribunal on the Vietnam war is considered the first appearance of transitional justice, long before the discourse on transitional justice emerged.

OUR FOCUS

The Platform believes that the concept of transitional justice needs to be urgently applied to climate change. This is the only way to demonstrate the gravity of the problem, to pressure the key stakeholders to act urgently and to propose sustainable solutions for a more just socio-economic and environmentally friendly international order. It is also a unique opportunity to join various existing global movements, such as corporate liability movements; environmental and climate change movements; as well as social and trade union movements, and unite them around the common and global concern of climate change.

To this day, no court has ever declared a company guilty for international crimes. Due to the state-centric approach of international law, corporations are excluded from almost all international proceedings and liability regimes. For example, the notion of ecocide should explicitly include corporate actors.

In this context, the aim is to plan a PPT session that focuses on corporate accountability in relation to climate change. In order to build on the previous efforts and initiatives on climate change, the Tribunal will adopt a specific and innovative approach. The jury will focus on two types of the most serious crimes perpetrated by companies: (i) crimes against humanity, as climate change affects the humanity as a whole; and (ii) and the crime of ecocide, as IPCL supports the integration of this crime into the ICC's Rome Statute and promotes corporate liability for ecocide.

OBJECTIVES AND OUTCOMES

On a practical level, the IPCL's goal is to organize an in-person three-and-a-half-day session to be held in Dar es Salaam, Tanzania, in early 2023, provided that Covid-19 restrictions do not prohibit it. The proposed session will simultaneously be held virtually to allow for global participation of interested and relevant participants.

By proceeding this way, the Tribunal aims to bring together climate change experts, civil society actors, activists and lawyers and give voice to people all over the world who are concerned with how climate change impacts their lives, livelihoods, their communities, and ultimately their future.

The Tribunal will also critically examine the international legal order and address the gaps in international law, namely impunity that is associated with corporate liability concerning climate change and serious international crimes, which is founded in the colonial approach to international law that remains favorable to the powerful states and corporate actors.

Eventually, the final verdict and other legal recommendations will be included in a report that will be widely circulated to multiple stakeholders, such as political actors, international institutions, civil society organizations and the ICC. This report will provide an overview of the current obstacles faced by the international community in addressing corporate impunity and climate change. It will also compile all the recommendations from the three-day Tribunal and the various testimonies from experts and civil societies.

This will be a pivotal document, which will help chart the way forward for many actors committed to climate and social-environmental justice.

Furthermore, the verdict as well as the report will be crucial tools for the different environmental organizations, movements and coalitions. It will allow them to strengthen their arguments and global advocacy efforts, owing to a strong international mobilization and recommendations from the peoples of the world.

PARTNERS

The Platform and the Permanent Peoples' Tribunal are jointly preparing the session on the World Peoples' Tribunal for Climate Change. However, this session will need the support from many actors and movements around the globe, so our list of partners is growing as the session is approaching. Climate change has a global impact and humanity as a whole is concerned by it. We should therefore use this Tribunal to unite our efforts and amplify our voices. Do not hesitate to get in touch with us if this project is of interest to your organization!

HOW CAN YOU SUPPORT US?

- You can inform relevant actors around you about the Tribunal and the climate change concerns we want to address.
- You can join us by signing the Indictment once it becomes available.
- You can share any testimonies, documents, evidence, or information that may be relevant to the proceedings.
- You can participate in the development of the Tribunal by volunteering with us.
- You can support us financially (please contact the secretariat for details).

For further information, please contact our Secretariat at: intlplatformcorporateliability@gmail.com