
ECOCIDE: A NEW CHAPTER IN INTERNATIONAL CRIMINAL LAW

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ABSTRACT

The environment remains one of the rare elements in our world that impacts every individual, regardless of their socioeconomic status or age. Environmental disasters place all individuals in a position of vulnerability, although the repercussions may vary among different groups. Humanity relies on the climate for a reliable supply of food and water, which are essential for survival. This paper examines the potential consequences of criminalising ecocide, thereby transforming environmental protection into not only a moral and ideological duty but also a legal requirement.

Ecocide can be briefly described as any intentional act done with the knowledge that it can cause widespread environmental damage. One of the most important results of criminalising ecocide is that it will lead to state liability for the destruction of the environment. To understand the current context and requirement of these laws, we need to understand the gradual evolution of environmental statutes and connect it with the increasing level of environmental degradation, this has been explained in detail in this research article.

This paper explores the idea of codifying criminal laws for ecocide and explains the few but already established international laws regarding ecocide. The objective of this paper is to establish the accountability of individuals, states and corporations for the destruction of the environment.

India has certain laws that criminalise environmental degradation, but these laws have to be urgently updated and reviewed. This paper also delves into the intricacies of the current laws and suggests reforms that can be implemented to make environmental laws relevant in the current era of modernisation.

Keywords - Criminalizing Ecocide, Criminal Liability, State Liability, Environmental Protection, Indian laws, International laws.

Evolution of Ecocide

The expression ecocide which has evolved over decades of debates, is now at the forefront of global environmental justice deliberations. It translates as ‘killing one’s home or environment’. Ecocide has been formed by a meticulous amalgamation of two terms ‘eco’ which means home and ‘cide’ which means to murder or strike down. Such actions include polluting river water with untreated sewage, illegal sand mining, deforestation, port expansion projects that ravage delicate marine life and local livelihoods, etc. Broadly any severe damage to the ecosystem caused by human activities can fall under the ambit of ecocide.

Even though the idea of criminalising ecocide is over 50 years old, we still lack a universally agreed definition. In 1972, the Swedish prime minister Olof Palme used the term in his speech at a UN conference on the human environment to emphasize the immense destruction brought by reckless bombings and the use of herbicides.¹ The next voice advocating for the criminalisation of ecocide was heard in the year 2010 as British barrister and environmental lobbyist Polly Higgins submitted a new proposal to the ILC. Higgins defined ecocide as: “The extensive destruction, damage to or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished.”² Her definition classifies ecocide into two categories:

- Ecocide caused by humans and
- Naturally occurring ecocide.

Though her definition has been acclaimed as the most prominent work on the concept, it has received criticism for being legally outlandish. Peter Stoett has criticized it to be ridiculous as the definition attempts to prosecute anyone setting down a pipeline. Even after being denounced for her over-ambitious approach Polly Higgins’s consistent efforts and her advocacy have given rise to a burgeoning environmentalist network- the Stop Ecocide campaign. Since its inception in 2021, the network has received huge political attention. The Belgian parliament,

¹ Kieran Devlin and Louise Reilly, 'Ecocide: A New Crime against the Environment' (2021) 12(4) *Global Policy* <https://www.tandfonline.com/doi/full/10.1080/21568316.2021.2021474> accessed 15 December 2024.

² Leila Nadya Sadat and Madaline George, 'The Benefits, Challenges, and Limitations of Criminalizing Ecocide' (Global Observatory, 9 March 2022) *The Benefits, Challenges, and Limitations of Criminalizing Ecocide - IPI Global Observatory* accessed 15 December 2024.

the United Kingdom's Labor Party, and the world's first Global Citizens Assembly have endorsed it.³

The Independent Expert Panel of the Stop Ecocide movement defines ecocide as: "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."⁴ This is considered more legally refined and politically palatable than all the other definitions as it emphasizes both the scale and intent of environmental harm, holding concerned entities accountable. The evolutionary journey of the concept and its recurrence over the years is a testament to its lingering significance in prevalent times.

NATURAL DISASTERS THAT HAVE AMPLIFIED THE CALL

Ecocide amendment proposal that had over the decades lost its relevance has garnered global attention in the past few years with support from countries like France, Belgium, and several Pacific Island nations that are vulnerable to climate change. Most recently in Sept 2024, three Pacific Island countries Vanuatu, Fiji, and Samoa submitted a proposal to amend the Rome Statute of the International Criminal Court to the UN Secretary-General and the Working Group on Amendments of the Assembly of States Parties (ASP), to criminalize ecocide by inculcating it to the canon of internationally outlawed atrocities.⁵

Vietnam, Ukraine, and Russia have already criminalized ecocide and Ukraine's public prosecutor is investigating a possible case of ecocide against Russia for the breach of the Kakhovka dam. France has included Ecocide as a domestic crime and Mexico is actively considering criminalizing it amidst concerns regarding the Maya train project gaining a contradictory reputation as a "megaproject of death". The 1,525km train route endangers the Yucatán peninsula's rich biodiversity and indigenous communities. While the ecocide

³ Leila Nadya Sadat and Madaline George, 'The Benefits, Challenges, and Limitations of Criminalizing Ecocide' (Global Observatory, 9 March 2022) The Benefits, Challenges, and Limitations of Criminalizing Ecocide - IPI Global Observatory accessed 15 December 2024.

⁴ Leila Nadya Sadat and Madaline George, 'The Benefits, Challenges, and Limitations of Criminalizing Ecocide' (Global Observatory, 9 March 2022) The Benefits, Challenges, and Limitations of Criminalizing Ecocide - IPI Global Observatory accessed 15 December 2024.

⁵ Jojo Mehta and Julia Jackson, 'Should Ecocide Be an International Crime? It's Time for States to Decide' (EJIL: Talk!, 20 June 2023) Should Ecocide be an International Crime? It's Time for States to Decide – EJIL: Talk! accessed 15 December 2024.

amendment proposal has still a long way to go, consistent support from the small island states has had an outsized impact on the global scenario of environmental justice.

In addition to the long saga of tireless advocacy and proliferating discussions to criminalise ecocide by academic experts and international policymakers, nature itself has been reminding us from time to time about the urgency of the issue through catastrophic wake-up calls. Natural catastrophes are not mere accidents of nature but rather consequences of large-scale environmental destruction and ecocidal acts. The following catastrophic events are described as examples of ecocide by lawyers, academicians, and journalists:

- **Oil Spills and Marine Pollutions:** The sweeping destruction of marine ecosystems and coastline pollution caused by the Deepwater Horizon disaster in 2010 and the MV Wakashio spill in 2020 depict the consequences of corporate negligence. These human-amplified disasters have affected habitats of seabirds, deep-sea corals, sea turtles, and cetaceans. Exposure to oil has caused reproductive failure and organ damage to marine mammals. The benthic fauna has suffered from a compromised oxygen supply due to the oil layer preventing sunlight from reaching the water.
- **Deforestation in Indonesia and the Amazon rainforest:** Indonesia has become the largest emitter of greenhouse gases due to its rapidly increasing rate of deforestation. The forest cover of the country has come down from 87% in the 1950s to 49.1%, dislocating local communities and endangering the lives of indigenous and endemic species. The catastrophe is majorly driven by the palm oil industry.

Record-breaking deforestation in the Amazon rainforests has garnered global attention, holding governments and corporations accountable for genocide. Communication has been submitted against the former president of Brazil Jair Bolsonaro to the ICC for violation of the Rome Statute.

- **Forest Fires and Land-Use Change:** The last three decades have seen an unprecedented increase in wildfires or bushfires in regions like California, Australia, and the Amazon, degrading human habitats, and ecosystems and increasing greenhouse gas emissions. The plumes of smoke, ash, and other debris produced during the fire caught on the wind and spread across the landscape leading to air and soil degradation. Cyanobacteria (commonly known as blue-green algae) is produced due to nutrient concentration in

soil from ash that contaminates freshwater stores and water catchments. Other than the direct physical impacts, smoke from wildfires has caused premature death and respiratory diseases by deteriorating air quality to alarming levels. It has also taken a toll on the mental health of survivors who have witnessed their lands turning into ash amongst simmering embers. The recurring mega fires caused by global warming are indicative of the urgency of criminalizing ecocide.

- Nuclear Disasters: The Fukushima Daiichi accident (2011) and Chornobyl disaster (1986) are the most severe and costliest nuclear disasters ever recorded. The accident sites are still contaminated and act as stark reminders of the cost that the local inhabitants had to pay due to poor decision-making. 30,000 evacuees from the Fukushima site are still living as destitute in temporary housing without any hope of fully returning home and even more are suffering from Post-Traumatic Stress Disorder after the harrowing experience.

There has been a rise in cases of thyroid cancer around the Chernobyl site with around 20,000 cases related to the disaster. 4 square kilometers of lush green pine have turned into a lifeless Red forest after being directly hit by the downwind of the explosion. The radioactive fallout from the two catastrophes has left the regions crippled forever as reports suggest that the contaminants have settled in an absolute phase and would not dissolve before 800-1000 years.

THE URGENCY OF ECOCIDE LAWS

The global push to elevate ecocide to the ranks of an international crime, which has picked up steam in the past few years, explains the urgency of the cause. Including environmental destruction in the ICC's statute will increase global accountability for environmental harm. It will ensure the preservation of ecosystems and biodiversity, as corporations and governments will be forced to adopt sustainable practices.

Ecocide has genocidal dimensions, especially for indigenous people as it threatens their cultural and physical existence by compelling them to leave their lands leading to social death. Criminalising the act will ensure the human rights of the vulnerable Indigenous community and ensure them a sustainable future. It will theoretically prevent perpetrators of environmental harm from escaping prosecution as the focus will be on specific violations rather than

cumulative impacts.

Victims of ecocide will have an opportunity to seek redress from those held accountable in the prosecutions at the ICC. Finally recognizing ecocide as one of the most serious crimes will contribute to increasing global awareness of the interconnectedness between environmental and human security.

From Vietnam War to Global Discourse: The Journey of Ecocide as A Criminal Offence

The term Ecocide was first coined by Arthur W. Galston, a biology professor during the 1970s Vietnam War. He tried to propose a new agreement criminalising ecocide, he was credited for his research on a chemical agent, later known as Agent Orange. In 1971 Harry W. Pettigrew in his article “A Constitutional Right of Freedom from Ecocide” gave an extremely influential argument that stated that the Ninth Amendment of the US Constitution supported the existence of a right to freedom from ecocide, this can work as a base and legal justification for the criminalisation of ecocide in the future.

In the period between the 1970s and 1980s, the United Nations International Law Commission was set up to form the “Codes of Crime Against the Peace and Security of Mankind” in simple words, those actions were internationally recognized as a crime. This commission included ecocide as a criminal offense until 1996, after which it was removed from the Code due to strong opposition from the Netherlands, France, and the UK. In 2002, when the Code more commonly known as the Rome Statute was finally signed it had listed 4 Crimes Against Peace.

- Genocide
- Crimes against Humanity
- War Crimes
- Crime of Aggression

The Rome Statute set up the International Criminal Court (ICC) for the investigation and prosecution of individuals or entities accused of committing the aforementioned crimes. There

are a total of 124⁶ Signatories to the Rome Statute as of December 2024.

ICC Office of the Prosecutor in 2016 in its “Policy paper on case selection and prioritization”⁷ Mentioned that it would focus on the prosecution of the crimes mentioned in the Rome Statute committed using illegal exploitation of natural resources, land seizures, or the destruction of the environment. This paper paved the way for the inclusion of green practices in the Rome statute.

The United Nations in 2018 came up with a report that showed that the current environmental regime followed internationally and by individual countries was unclear and fragmented, it was not ideal for curbing destructive environmental practices. There is no universally accepted legal framework, which leads to voluntary and non-binding obligations.

In December 2019, in the meeting of the parties to the ICC, the delegates of Maldives and Vanuatu called upon the 123 nations (at that time) to acknowledge the ICC’s jurisdiction over ecocide. Although the delegates agreed that the idea was still in its nascent stages, they contended that the time was appropriate. It is worth noting that the threat of climate change is more in the small island states of Maldives and Vanuatu. Pope Francis, Emmanuel Macron, and Malala Yousafzai also supported this argument and called upon world leaders to include ecocide as the fifth crime against peace. A similar amendment was proposed by the island states of Vanuatu, Fiji, and Samoa in September 2024.

The main reason given by legal experts advocating to include Ecocide as a fifth crime against peace is the similarity of Ecocide with other crimes against peace. The Rome statute criminalises any act that causes immediate or long-term damage to humans, ecocide can be considered as such an act because it has the potential to cause a large amount of long-term damage. According to legal experts, there is a missing chain of responsibility regarding the protection of the Earth and humanity from environmental disasters that provides a form of immunity to the public-sector industries and corporate sectors undertaking ecocidal activities.

⁶ International Criminal Court, 'The States Parties to the Rome Statute' (International Criminal Court) <https://asp.icc-cpi.int/states-parties> accessed 11 December 2024.

⁷ Earth.Org, 'Why Ecocide Should be an International Crime' (Earth.Org, 11 December 2024) <https://earth.org/ecocide-should-be-a-crime-in-international-law/> accessed 12 December 2024.

CURRENT LEGISLATIONS

Currently, there are a total of 12 countries where ecocide is considered a crime. Vietnam was the first country to introduce Ecocide as a crime in 1999, followed by Asian countries like Russia (1996), Kazakhstan (1997), Kyrgyzstan (1997) etc. Belgium was the first European country to recognize ecocide as a crime in 2024.

BELGIUM

Belgium is the first European Union country to criminalize ecocide both on the national and international levels. Some of its features are:

- Inclusion in the Penal Code: Ecocide is considered to carry an equal liability as genocide, crimes against humanity, war crimes, and aggression. This emphasizes its place in international and national legal contexts⁸.
- Definition of Ecocide: The law defines ecocide as deliberate acts or omissions causing serious, widespread, and long-term environmental harm, provided they violate federal laws or binding international agreements. This narrower definition diverges from broader propositions, such as the Independent Expert Panel's (IEP) definition, which focuses on any unlawful acts.⁹
- Strict Mens Rea Requirement: The law of Belgium requires that the mens rea of deliberate intent and knowledge of environmental harm must be proven under the "dolus indirectus" standard. Critics say that such a high threshold would enable those who act recklessly or with less direct intent to avoid liability.
- Punishments: The penalties for conviction are up to 20 years in prison and fines of €1.6 million.
- Focus on Federal Jurisdiction: The law is more limited to the federal spheres and not

⁸ The Brussels Times, 'Belgium Becomes First in EU to Recognise Ecocide as International Crime' (The Brussels Times, 2023) Belgium becomes first in EU to recognise ecocide as international crime accessed 15 December 2024.

⁹ Oxford Human Rights Hub, 'Belgium Recognises the Crime of Ecocide: A Lukewarm European First' (Oxford Human Rights Hub, 2023) Belgium Recognises the Crime of Ecocide: A (Lukewarm) European First | OHRH accessed 15 December 2024.

regional domains. E.g. - It focuses more on the North Sea or nuclear waste management, rather than forest conservation or local water pollution.

- Integration with International Efforts: Belgium's law aligns with initiatives like the EU's Environmental Crimes Directive and aims to promote ecocide as a crime under the International Criminal Court (ICC). However, the narrower domestic definition has raised concerns about its deterrence value and alignment with international norms.

This development positions Belgium as a leader in ecocide law, setting a precedent for EU and global discussions on environmental protection and justice. However, the scope and enforceability of the law remain areas for refinement to address broader environmental challenges effectively.

FRANCE

- Legal Structure: In the year 2021, ecocide was introduced by French law as a civilian offense but not a fully recognized and criminalised international offense.
- Definition: French criminal legislation condemns "grave and persistent" damage to the environment, with the intention of such actions violating domestic rules relating to environmental conduct.
- Penalties: Provides prison of up to 10 years with fines of up to €4.5 million, or 10 times the profit from harmful behavior.
- Criticism: Activists argue that the French law classified ecocide as a secondary offense and limits its scope to violations of existing laws, which could exclude broader, deliberate environmental destruction

BOLIVIA

- Legal Framework: Bolivia places the protection of Mother Earth (Pachamama) in its constitution, giving rights to nature.
- Ecocide Law: Environmental crimes are treated as violations of the rights of nature, and ecocide is implicitly criminalised under Bolivian environmental statutes.

- Cultural Influence: The law accommodates indigenous worldviews, focusing on the peaceful coexistence of humans and nature

ECUADOR

- Constitutional Rights: Ecuador became the first country to include legal rights for nature in its 2008 constitution.
- Special Features: Ecocide is indirectly addressed under the constitutional mandate that protects the rights of ecosystems to exist and regenerate.
- Enforcement: Legal actions can be brought in the name of ecosystems; the approach is restorative rather than punitive

RUSSIA

- Criminal Code: Russia has long criminalised large-scale environmental damage, including ecocide. Which is defined as mass destruction of flora and fauna or pollution of the atmosphere, water resources, and land under the Russian Law.
- Penalties: Up to 20 years in prison.
- Unique Feature: Russia's legislation predates modern ecocide discussions, showing its historical approach to environmental protection.

India's Legal Landscape Regarding Ecocide

India possesses one of the most diversified varieties of life and natural resources. However, these resources and lifeforms are threatened by industrialization, deforestation, pollution, and other forms of disrupting activities.

Water pollution, and habitat encroachment, are major sources of destruction of the environment. High-profile environmental disasters like the Union Carbide Case and the M.C. Mehta case have made legal scholars and environmental activists emphasize the creation of a comprehensive legal framework to address the degradation of the environment and potentially make ecocide a criminal offense. India does not have any specific laws regarding ecocide but has a multitude of environmental legislation. The important ones are:

- Water (Prevention and Control of Pollution) Act 1974 - Aims to control water pollution by limiting the amount of pollutant discharge in water.
- Forest (Conservation) Act 1980 - Aims to control deforestation or degradation of forests and wildlife.
- Air (Prevention and Control of Pollution) Act 1981 - This Act like the Water Act aims at controlling the air quality by restricting and regulating air pollution.
- Environment (Protection) Act, 1986 - One of the most comprehensive environmental laws, it covers various issues including air and water quality, waste management, and assessment of the environmental conditions.
- Biological Diversity Act, 2002 - This Act established the National and State Biodiversity authority to ensure the proper conservation and sustainable use of biological resources.

Most of these Acts are based upon Article 21 of the Constitution, which provides the right to Life as a Fundamental Right. This right provides for an equitable standard of living for all its citizens. In *Shubhas Kumar v. State of Bihar*, the Honorable Supreme Court said that the right to life includes the right to a healthy environment.¹⁰

Under Article 48-A, a Directive Principle of State Policy(DPSP) it is stated that the state must take responsibility for protecting the environment, which includes forests, marine life, and other forms of natural wildlife and resources. It is also a fundamental duty of the citizens to deal with the natural environment with utmost care.

Despite considering the presence of numerous constitutional provisions, a series of environmental disasters have occurred, for which human activities are to blame. Landslide in Wayanad and Andhra Flooding in 2024, and Cyclone Amphan in West Bengal and Odisha in 2020 are prime examples of destructive human practices.

¹⁰'Article 21 of the Indian Constitution' (*Century Law Firm Blog*,)Article 21 of the Indian Constitution: Right to Life & Personal Liberty. accessed 11 December 2024.

ISSUES REGARDING THE ENFORCEMENT OF ENVIRONMENTAL LAWS:

- Lack of Coordination - Environmental protection is not an individual effort. It requires the cooperation of different organs of the society including the law enforcement divisions. Different organs of the government have to participate and coordinate as a single unit, this will ensure that jurisdictional problems do not occur and there is effective compliance with rules and regulations.
- Legal Ambiguities - Due to the presence of more than 200 Central and State environmental laws¹¹ It is often seen that certain provisions overlap with each other, and this creates a hindrance for the enforcing agencies.
- Inadequate Penalties – Industries prefer paying small fines for violation of environmental laws rather than investing in sustainable practices because it is cheaper. To avoid this, more significant punishments should be introduced for the violation of environmental laws.
- Urbanisation and Industrialisation - The balance between environment and economic development is one of the most debated topics in the country, rapid urbanization and growth can put a lot of pressure on the environment, so it needs to be equipped with sustainable practices.

ECOCIDE AS A CRIME IN INDIA

Taking into consideration the severity of ecocide and the possible consequences for humanity, it is not enough to have a legal framework present, it is important to reinforce this structure by continuous changes and reforms, which will keep it updated and relevant to the current situation.

The current laws are insufficient in controlling, preventing, or providing proper redressal for ecocide. Criminalising ecocide will have a high degree of legal consequences as it will lead to a shift in the protection and accountability procedures. Both Public Sector industries and private sector industries will evaluate the environmental impacts of their projects before

¹¹ Ashish Verma, 'Law of Environment in India: Problems and Challenges in Its Enforcement' (2021) https://www.researchgate.net/publication/354734613_Law_Of_Environment_In_India_Problems_And_Challenges_In_Its_Enforcement accessed 11 December 2024.

implementation if ecocide is established as a crime. Communities that have been affected by the actions of such industries can be subject to legal remedies if a proper Ecocide law is enacted.

Rather than waiting for another environmental disaster that will create havoc in people's lives, it is more feasible to bring proper legislation to curb these man-induced disasters. Ecocide provisions can hold entities criminally liable for their contribution to the destruction of the environment, thus leading to greater scrutiny and accountability.

Making ecocide a crime potentially leads to the reformation of the existing environmental laws. That may bring the numerous acts under a common and new principle. Public participation and awareness regarding environmental degradation are very important for the proper implementation of environmental laws and making ecocide a crime will ensure that every person is liable to a greater extent than before, this may help to spread awareness.

SOME POSSIBLE CHALLENGES IN MAKING ECOCIDE A CRIME

- Conflicts with other laws - Ecocide laws can come into conflict with other laws, the provisions of all the relevant laws must be carefully studied so that no provisions are overlapping or contradicting one another.
- The problem of jurisdiction - Environmental degradation does not have a fixed boundary, it can be limited to a particular state or can spread to more than 2 states. A quasi-judicial body with extra-territorial jurisdiction has to be created.
- Difficulty in prosecution - It is a difficult task to define and prove intent for ecocide, both of which are very important for establishing liability, This has to be properly addressed.
- Even if Ecocide is established as a crime, implementation will be difficult because it is difficult to determine the affected area, there are limited resources available, and potential corruption within the regulatory bodies.

India's legal framework shows its commitment to protecting the environment and natural heritage. To reinforce these laws with more robust legislation, the parliament can criminalise

ecocide. This would make the intentional degradation of the environment a criminal offense and would act as an active deterrent against perpetrators.

THE ROAD AHEAD

Climate activists and the advocates of criminalising ecocide in the small island countries still have a rough path to tread before they can get Ecocide inducted in the Rome Statute. Although innovative strategies adopted by the small island nations and their persistent efforts to criminalise ecocide have garnered global attention, their influence to sway the major countries to agree to the proposal remains limited. As the world grapples with the consequences of human-amplified disasters, the fate of the vulnerable island nations, for whom ecocide is a daily reality, depends on the largely silent European nations. Their initiative to either support or reject the proposal will shape the trajectory of international laws.

LEGAL CHALLENGES AND ROLE OF EUROPEAN NATIONS:

Among the many hurdles that lay ahead, the first one is meeting the requirements of the complex amendment procedure of the Rome Statute. The proposal of an amendment of the Rome Statute under Article 121¹² of the ICC, will be entertained only if it has been ratified by the majority. The proposed amendment would be passed after several rounds of negotiations and only if a two-thirds majority vote in favor of it.

The second issue presents itself in the form of the limited scope that the ICC has to exercise jurisdiction over nations. States that do not agree with the approved amendment can choose to reject the law exempting themselves from being prosecuted. Trinidad, Tobago, and Belize in the year 2009 proposed the criminalisation of international drug trafficking only to be labeled as being over-ambitious and skeptical for suggesting such far-ranging reforms. The only successful amendment that the Rome Statute has seen to date was driven by influential European countries, Belgium and Switzerland regarding minor reforms in the definition of war crimes.

The unmatched diplomatic influence that the European nations hold can sway support for criminalising ecocide within the ICC Assembly of States Parties. Belgium and the Netherlands both ardent supporters of the issue should garner support within the European Union. The

¹² Rome Statute 1998, art 121.

States can spearhead the agenda by recognizing ecocide as a crime within the European Commission. This will pressure other nations to follow in the footsteps of the European Union given the political and economic clout that it holds in the global arena.

Only as a unified bloc can the EU fight against political resistance and economic concerns raised by industrial countries regarding environmental laws hampering their economic progress. By demonstrating long-term gains that green economies can materialize from sustainable practices the EU can serve as a beacon for other nations to follow suit. Forging alliances with developing countries and small island nations like Tuvalu, the Marshall Islands, and Vanuatu who have been vocal advocates of climate change can further the agenda.

The developing countries are mostly victims of natural disasters, amplified by the developed industrial nations. The plight of Pacific Island countries facing existential threats due to rising sea levels, submerging coastlines, loss of biodiversity, and extreme weather conditions is common knowledge for the public. Lastly, European leaders can use international platforms like the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD) to facilitate the induction of ecocide as a fifth crime.¹³.

THE ROLE OF GRASSROOTS MOVEMENTS AND CIVIL SOCIETY

While governments and legal institutions have the authority to hold perpetrators of environmental destruction legally accountable by criminalising ecocide, the efforts of activists and civil society organizations across the globe cannot be undermined. It is their initiative and consistent efforts that have brought the ecocide debate to the global stage. Movements like Fridays for Future, Extinction Rebellion, and the Stop Ecocide Foundation can be attributed to familiarizing the world with the concept of ecocide and emphasizing the need to prosecute the perpetrators of environmental destruction.

Along with focusing on global advocacy for pursuing the cause, countries fighting for criminalising ecocide should consider empowering the indigenous vulnerable communities who are losing their lands and livelihood at the hands of ecocide criminals, so that they can

¹³ Patricia Morales and Lorena Zárate, 'Global Environmental Governance, Human Rights, and Socio-State Capabilities in Latin America' (CIDOB, 27 September 2023) Global environmental governance, human rights and socio-state capacities in Latin America accessed 15 December 2024.

voice their concerns. Leading scientists across the globe today are predicting that at the ongoing rate, the world is set on a path of irreversible biological annihilation.

With recurring incidents of natural disasters and island nations experiencing the wrath of extreme climate change the seriousness and urgency of penalizing criminals of environmental destruction has never been more pronounced. Criminalising ecocide is going to address more than just the environmental issues, it will confront the lingering question about the adaptability of liberal institutions and the seriousness of the international legal community towards the environment.

Conclusion

Major advances in recognition of ecocide as a crime have occurred within the past couple of years. Belgium was the first country in Europe in 2024 to criminalise ecocide. These initiatives show that some countries are responding to the growing concern over environmental destruction by holding those responsible for harmful acts, accountable.

However, much more is needed to be done to ensure global accountability for ecocide. Although small island nations and nations such as Vanuatu have been at the forefront of spearheading calls for ecocide to be legally recognized under international law, persuading major global powers to fully subscribe to the idea of criminal law has never been an easy feat. This call for the inclusion of ecocide in other countries' legal systems should encourage other countries to do the same, and international organizations, like the International Criminal Court, should include it in the Rome Statute so that the offense is recognized as an international crime. This would enable the prosecution of those contributing to widespread environmental harm, no matter where they are.

There are, therefore, legal reforms that will make a difference, but so is the role of civil society and movements at the grassroots level. Groups such as Extinction Rebellion and Fridays for Future, have been effective in increasing public attention and mobilizing popular pressure for the criminalisation of ecocide, requiring urgent action from governments on environmental issues. Their work is indispensable in changing public opinion and forcing policymakers to take action.

Looking ahead, the broader global push to criminalise ecocide is still at a nascent stage. While

some nations, including Vietnam and Russia, have already implemented ecocide laws, it is clear that international collaboration and continued legal reform are essential to strengthening this movement. International cooperation will be key to ensuring that ecocide is not only recognized but also effectively prosecuted.

Criminalising ecocide would prove to be a transformative tool to protect vulnerable ecosystems and communities from the threats of ecocide. Sustainable practices in the entire world would increase, but to achieve this, governments and civil society need to put collective pressure to push for stronger environmental protections.