
ECOCIDE AND THE LIMITS OF ANTHROPOCENTRIC INTERNATIONAL CRIMINAL LAW

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ABSTRACT

International criminal law has traditionally protected the environment only when environmental destruction is connected to human suffering, armed conflict, or attacks on civilian populations. This anthropocentric structure has become increasingly inadequate in the face of contemporary ecological crises. This paper examines the limits of anthropocentric international criminal law through the ICC Office of the Prosecutor's December 2025 Policy on Addressing Environmental Damage Through the Rome Statute and the Vanuatu-led proposal to introduce ecocide as a fifth core crime under the Rome Statute. It argues that while the OTP Policy represents an important institutional recognition of environmental harm, it remains confined to existing Rome Statute crimes such as genocide, crimes against humanity, war crimes, and aggression. As a result, environmental damage continues to be treated largely as an evidentiary or aggravating factor rather than as an independent legal wrong. The paper further analyses whether the proposed ecocide amendment should be strengthened by incorporating the due diligence standard and erga omnes obligations recognised in the ICJ's July 2025 Advisory Opinion on climate change obligations. It contends that these principles can help reform the amendment without disturbing the Rome Statute's framework of individual criminal responsibility. By linking ecocide reform with Global South leadership, particularly the role of Vanuatu and other small island States, the paper argues for a more ecocentric and inclusive future for international criminal law.

Keywords: Ecocide; Anthropocentrism; Rome Statute; Global South.

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I. Introduction

The natural environment is under threat from various human activities. Massive deforestation, river and ocean pollution, and environmental changes pose a significant risk to humans and their habitats.³ International criminal law has always emphasized human-centric offences like genocide, crimes against humanity, war crimes, and aggression.⁴ Anthropocentrism is defined as a legal perspective that gives importance to mankind over nature.⁵ It treats the environment mainly as something that matters only when it affects human life, health, or dignity. This creates a structural limitation within international criminal law because environmental harm becomes legally visible only when it can be connected to human suffering, armed conflict, or injury to recognised human interests.

In recent years, many voices have called for stronger protection of the environment in its own right.⁶ One important proposal is to add a new crime called “ecocide” to the Rome Statute of the International Criminal Court (ICC).⁷ Ecocide means unlawful or wanton acts that cause severe and either widespread or long-term damage to the environment.⁸ In September 2024, Vanuatu, together with Fiji and Samoa, formally proposed this amendment to the Assembly of States Parties. The proposal aims to create an independent crime of ecocide that would apply in both peacetime and wartime.⁹ The significance of this proposal lies in its attempt to make serious environmental destruction punishable as an independent international crime rather than only as a consequence of existing human-centred crimes.

On 4 December 2025, the Office of the Prosecutor (OTP) of the ICC launched its Policy on Addressing Environmental Damage Through the Rome Statute.¹⁰ This policy explains how the OTP will investigate and prosecute existing Rome Statute crimes when they involve

³ Craig Anthony Arnold, *Fourth-Generation Environmental Law: Integrationist and Multimodal*, 35 WM. & MARY ENVTL. L. & POL'Y REV. 771 (2011).

⁴ Danuta Palarczyk, *Ecocide before the International Criminal Court: Simplicity Is Better than an Elaborate Embellishment*, 34 Crim. L.F. 147 (2023).

⁵ *Anthropocentrism - an Overview* | ScienceDirect Topics, <https://www.sciencedirect.com/topics/social-sciences/anthropocentrism> (last visited Apr. 5, 2026).

⁶ Tiffany Challe, *The Rights of Nature — Can an Ecosystem Bear Legal Rights? – State of the Planet*, (Apr. 22, 2021), <https://news.climate.columbia.edu/2021/04/22/rights-of-nature-lawsuits/>.

⁷ Int'l Criminal Court, *Report of the Working Group on Amendments*, ICC-ASP/23/26 (Dec. 1, 2024).

⁸ *Legal Definition of Ecocide Drafted by Independent Expert Panel*, STOP ECOCIDE INTERNATIONAL, <https://www.stopecocide.earth/legal-definition> (last visited Apr. 5, 2026).

⁹ Daniel Bertram, *Should Ecocide Be an International Crime? It's Time for States to Decide*, EJIL: TALK! (Sept. 12, 2024), <https://www.ejiltalk.org/should-ecocide-be-an-international-crime-its-time-for-states-to-decide/>.

¹⁰ Int'l Criminal Court, Off. of the Prosecutor, *Policy on Addressing Environmental Damage Through the Rome Statute* (Dec. 4, 2025), <https://www.icc-cpi.int/sites/default/files/2025-12/2025-env-eng.pdf>

environmental harm.¹¹ It shows that environmental damage can form part of genocide, crimes against humanity, war crimes, or aggression. However, the policy clearly states that it works only within the current limits of the Rome Statute and does not create a new standalone crime of ecocide.¹² Therefore, while the policy marks an important institutional recognition of environmental harm, it also confirms that the present Rome Statute framework remains limited by its anthropocentric structure.

The ICJ gave its advisory opinion on the matter of “Obligations of States in respect of Climate Change” on July 23, 2025.¹³ The ICJ provided an advisory opinion on the question asked by the group of states headed by Vanuatu in which the Court clearly stated that it is the duty of the state to protect the climate system from any damage due to emission of greenhouse gases.¹⁴

In that opinion, the Court clarified that States have obligations under international law to protect the climate system and other parts of the environment from anthropogenic greenhouse gas emissions. The ICJ stressed the standard of due diligence and noted that certain obligations have an erga omnes character meaning they are owed to the international community as a whole.¹⁵ These findings are important for the ecocide debate because they provide broader international law principles through which environmental harm may be understood not merely as private or territorial damage, but as a concern of the international community.

This paper examines the limits of the current anthropocentric framework in international criminal law. It is organised around two research questions. What anthropocentric limitations are apparent within the OTP’s December 2025 Policy? How will this affect the viability and needed reform of the Vanuatu-led ecocide amendment? Should the ecocide amendment itself be modified, including elements from the erga omnes obligation and due diligence standard from the July 2025 ICJ Advisory Opinion, so as to overcome anthropocentric limits and promote leadership by the Global South?

¹¹ *Id.*

¹² *Id.*

¹³ Obligations of States in Respect of Climate Change (Request for Advisory Opinion), Advisory Opinion, 2025 I.C.J. (July 23), <https://www.icj-cij.org/case/187>.

¹⁴ Margaretha Wewerinke-Singh, *The Great Reset: The ICJ Reframes the Conduct Responsible for Climate Change Through the Prism of Internationally Wrongful Acts*, EJIL: TALK! (Aug. 4, 2025), <https://www.ejiltalk.org/the-great-reset-the-icj-reframes-the-conduct-responsible-for-climate-change-through-the-prism-of-internationally-wrongful-acts/>.

¹⁵ *Id.*

The central argument of this paper is that the anthropocentric limitations evident in the OTP's December 2025 Policy illustrate deeper structural limits within the Rome Statute. These limits may affect both the feasibility and effectiveness of the Vanuatu-led ecocide amendment if the proposed crime is not drafted with sufficient independence from existing human-centred crimes. To overcome these problems, the proposed amendment should be reformed by drawing on the ICJ's findings on due diligence and erga omnes obligations. Such reforms would move international criminal law beyond a purely human-centred view and give stronger recognition to the leadership of Global South countries, especially small island States like Vanuatu that are most affected by environmental harm. In this way, the proposed crime of ecocide can become not only a symbolic addition to the Rome Statute, but a legally meaningful response to contemporary environmental destruction.

II. The ICC OTP Policy and the Anthropocentric Limits of the Rome Statute

A: The ICC OTP's December 2025 Policy: Context and Key Provisions

The OTP of the ICC launched its Policy on Addressing Environmental Damage Through the Rome Statute on 4 December 2025.¹⁶ This policy was launched on the margins of the Assembly of States Parties session in December 2025.¹⁷

Its main goal is to explain how the OTP will investigate and prosecute crimes under the Rome Statute when those crimes involve environmental damage.¹⁸ The policy calls such cases “environmental crimes.”¹⁹ These are Rome Statute crimes that are committed by means of environmental damage or that result in such damage.²⁰ However, the expression “environmental crimes” does not create a separate category of offences under the Rome Statute; it only describes existing Rome Statute crimes that involve environmental damage.

The policy has several clear objectives. It aims to make environmental issues a strategic priority in the OTP's work.²¹ It provides practical guidance for investigations and prosecutions.²² It

¹⁶ Office of the Prosecutor, Int'l Crim. Ct., Policy on Addressing Environmental Damage Through the Rome Statute (2025).

¹⁷ Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Susannah Dibble, Prosecuting Crimes Related to the Environment: Development at the International Criminal Court, Vibrant Env't Blog (Mar. 5, 2026), Prosecuting Crimes Related to the Environment.

²² Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

also supports national courts in handling similar cases, in line with the principle of complementarity.²³ The policy stresses cooperation with national authorities and other international bodies. The importance of the policy therefore lies not in expanding the ICC's jurisdiction, but in showing how far environmental harm can be addressed within the existing framework of international criminal law.

Importantly, the policy does not create a new crime.²⁴ It works only within the existing crimes listed in Article 5 of the Rome Statute: genocide, crimes against humanity, war crimes, and the crime of aggression.²⁵ It shows how environmental damage can form part of these crimes, serve as evidence for them, or help assess their seriousness or gravity.²⁶ This confirms that environmental damage remains legally dependent on pre-existing crimes rather than operating as an autonomous wrong under the present Rome Statute. In other words, environmental harm becomes relevant to ICC prosecution only when it can be connected to recognised categories of international crimes.

The policy acknowledges that the Rome Statute is “largely anthropocentric, primarily protecting human life.” At the same time, it notes that the Statute also recognises and protects the inherent value of the natural environment. It uses the terms “natural environment” and “environment” interchangeably. Environmental damage is defined broadly to include loss or deterioration of the natural environment, with attention to impacts on both human communities and non-human elements. This recognition is significant because it allows the OTP to consider ecological harm more seriously, even though the substantive crimes themselves remain largely human-centred.

Examples in the policy include cases where illegal exploitation of natural resources leads to starvation of civilians (a war crime) or where aggression causes pollution of fields, forests, and water bodies.²⁷ The policy also explains how environmental harm can increase the gravity of a crime during sentencing, including harm to victims, communities, and the environment itself. Thus, the policy gives environmental damage greater prosecutorial visibility, but it does not

²³ *Id.*

²⁴ *Id.*

²⁵ Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

²⁶ *Id.*

²⁷ *Id.*

remove the basic limitation that such harm must still be linked to an existing Rome Statute crime.

Overall, the policy represents a step forward in recognising environmental harm, but it remains firmly tied to the current limits of the Rome Statute.²⁸ It is institutionally progressive but jurisdictionally limited: it strengthens prosecutorial attention to environmental damage without creating an independent basis for criminal liability. This limitation becomes central to the ecocide debate because it shows why a standalone crime may still be necessary despite the OTP's new environmental policy.

B: Anthropocentric Constraints Revealed by the Policy

The December 2025 OTP Policy clearly reveals the persistent anthropocentric constraints of the Rome Statute.²⁹ Anthropocentrism means the law focuses mainly on harm to human beings.³⁰ The environment matters only when it affects people, their life, health, livelihoods, or dignity.³¹

The policy itself openly states that the Rome Statute is “largely anthropocentric, primarily protecting human life.”³² This is visible in several ways. First, all four core crimes under the Statute centre on human victims or human interests. Genocide requires intent to destroy a protected group of people.³³ Crimes against humanity must be directed against a civilian population.³⁴ War crimes often protect civilians or combatants.³⁵ The crime of aggression concerns the use of force between States and its effects on human security.³⁶

Environmental damage becomes relevant in the policy only when it connects to these human-centred elements.³⁷ For instance, the policy discusses how environmental destruction can

²⁸ Matthew Gillett, *Environmental Harm as a Crime Under the Rome Statute*, in *Prosecuting Environmental Harm Before the International Criminal Court 2* (Cambridge Univ. Press 2022).

²⁹ Int'l Crim. Ct., *Policy on Addressing Environmental Damage*, supra note 14.

³⁰ Matthew Gillett, 'Human, All Too Human': The Anthropocentricisation of Ecocide, *Int'l J. Hum. Rts.* (Sept. 18, 2025), <https://doi.org/10.1080/13642987.2025.2545294>.

³¹ Int'l Crim. Ct., *Policy on Addressing Environmental Damage*, supra note 14.

³² *Id.*

³³ Matthew Gillett, *Environmental Harm as a Crime Under the Rome Statute*, in *Prosecuting Environmental Harm Before the International Criminal Court 2* (Cambridge Univ. Press 2022).

³⁴ *Id.*

³⁵ Int'l Crim. Ct., *Policy on Addressing Environmental Damage*, supra note 14.

³⁶ *Id.*

³⁷ Dibble, *Prosecuting Crimes Related to the Environment*, supra note 19.

contribute to genocide if it targets a group's ability to survive.³⁸ It can support crimes against humanity, such as persecution or forcible transfer, when it destroys livelihoods or forces people to leave their land. In war crimes, the policy refers to Article 8(2)(b)(iv), which already prohibits causing "widespread, long-term and severe damage to the natural environment" in international armed conflict, but only if the damage is "clearly excessive in relation to the concrete and direct overall military advantage anticipated." This test remains tied to military (human) objectives rather than protecting the environment for its own sake.³⁹

Even when the policy mentions harm to non-human inhabitants or ecosystems, it often links back to human consequences.⁴⁰ It highlights how vulnerable groups children, the poor, and marginalised communities suffer most from environmental damage through threats to health, loss of livelihoods, and damage to cultural and spiritual ties to nature.⁴¹ In sentencing, the policy says the Court should consider harm to victims and their families first, while also noting harm to the environment itself as an aggravating factor.⁴² This approach contrasts with a fully ecocentric view, which would protect the environment for its own sake, independent of direct harm to humans.⁴³

This strategy is not entirely based on an ecocentric approach, as this approach will seek to protect the environment for its own benefit without considering the adverse effects on humanity.⁴⁴ The definition of the Independent Expert Panel for the Legal Definition of Ecocide provided in 2021 seems to be more ecocentric.⁴⁵ This definition states that the "damage must be severe and either widespread or long-lasting to the environment," where the environment refers to the Earth's biosphere and atmosphere among other elements.⁴⁶

The Rome Statute has only one explicit mention of the natural environment in the war crime provision noted above. The policy tries to expand the use of existing provisions, but it cannot go beyond the Statute's text and structure. Individual criminal responsibility under the Statute

³⁸ Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

³⁹ Ramindu Perera, Environmental Destruction During Armed Conflict, Anthropocentrism–Ecocentrism Divide and Defining Ecocide, 4 Asia-Pac. J. Int'l Humanitarian L. 1 (2023).

⁴⁰ Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

⁴¹ *Id.*

⁴² *Id.*

⁴³ Perera, *supra* note X, at 37.

⁴⁴ *Id.*

⁴⁵ Perera, *supra* note X, at 37.

⁴⁶ Int'l Crim. Ct. Assembly of States Parties, Rep. on the Work of Its Twenty-Third Session, ICC-ASP/23/26 (Dec. 1, 2024).

requires proof of personal intent or knowledge linked to the elements of the crime, and those elements are largely written with human victims in mind. As a result, under the current Rome Statute, serious environmental harm that cannot be connected to genocide, crimes against humanity, war crimes, or aggression may fall outside the reach of ICC prosecution. This creates a structural gap: the greater the distance between environmental destruction and immediate human injury, the more difficult it becomes to prosecute that destruction within the present ICC framework.⁴⁷

In short, while the policy is a welcome development that brings environmental issues into OTP practice, it confirms the deep anthropocentric limits of the current legal framework. Environmental protection remains instrumental, a tool to address human suffering rather than an independent goal.⁴⁸ This is why the policy should not be understood as a substitute for ecocide, but as evidence of why a carefully drafted standalone crime of ecocide is necessary.

III. Implications for the Vanuatu-Led Ecocide Amendment

A: Feasibility of the Vanuatu-Led Amendment

The December 2025 OTP Policy has important implications for the feasibility of the Vanuatu-led ecocide amendment. In September 2024, Vanuatu, together with Fiji and Samoa, submitted a formal proposal to the Assembly of States Parties to add a new crime of ecocide to the Rome Statute.⁴⁹ The proposed Article 8 *ter* 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.”⁵⁰ The proposal also suggests adding ecocide to Article 5 as one of the crimes within the jurisdiction of the Court. It applies in both peacetime and times of armed conflict. The definition of “environment” is broad and includes the earth, its biosphere, cryosphere, lithosphere, hydrosphere, atmosphere, and outer space. The proposal is therefore not merely symbolic; it seeks to make serious environmental destruction independently prosecutable.

⁴⁷ Matthew Gillett, ‘Human, All Too Human’: The Anthropocentricisation of Ecocide, *Int’l J. Hum. Rts.* (Sept. 18, 2025), <https://doi.org/10.1080/13642987.2025.2545294>.

⁴⁸ Perera, *supra* note X, at 37.

⁴⁹ ICC Assembly of States Parties, Working Group on Amendments, *supra* note 44.

⁵⁰ *Id.*

The policy shows that the current Rome Statute can address some environmental harm, but only when it links to existing crimes that focus on human victims. This creates practical challenges for a standalone ecocide crime. Prosecutors at the ICC follow the policy and must work within the Statute's limits. Under the current Statute, pure cases of environmental destruction remain difficult to prosecute; this is precisely why the proposed Article 8 ter must clearly protect environmental harm in its own right. If the amendment is adopted in its current form, there is a risk that cases of serious environmental damage will still be investigated mainly through the lens of genocide, crimes against humanity, or war crimes. Pure cases of ecocide that do not clearly harm a protected group of people or a civilian population may be difficult to prosecute successfully.⁵¹

The environmental harm will be treated as part of the crimes already listed and will not form a separate crime. It may lead to the issues with the application of complementarity by the Court where national courts will base their investigations on environmental laws, and the ICC will still demand that environmental harm is somehow linked to a human-oriented crime.⁵² Additionally, political acceptance of the amendment will face doubts regarding the added value and necessity of the initiative in view of the existing policy.⁵³

Moreover, the high standard of gravity provided in the Rome Statute, and the need to prove the personal responsibility for a crime may reduce the effectiveness of adding a provision on ecocide. The lack of ecocentric provisions and standards will lower the chances that the amendment will be widely implemented.⁵⁴

B: Necessary Reforms Signalled by the Policy Analysis

The analysis of the OTP Policy clearly signals the need for reforms to the Vanuatu-led ecocide amendment. The policy confirms the deep anthropocentric constraints of the Rome Statute. Environmental protection remains mostly instrumental, useful only when it helps prove harm to human beings. This approach is inadequate because contemporary ecological destruction

⁵¹ Matthew Gillett, 'Human, All Too Human': The Anthropocentricisation of Ecocide, *Int'l J. Hum. Rts.* (Sept. 18, 2025), <https://doi.org/10.1080/13642987.2025.2545294>.

⁵² Kevin Jon Heller, Ecocide and Anthropocentric Cost-Benefit Analysis, *Opinio Juris* (June 26, 2021), <https://opiniojuris.org/2021/06/26/ecocide-and-anthropocentric-cost-benefit-analysis>.

⁵³ *Id.*

⁵⁴ *Id.*

may cause serious and irreversible environmental harm even before its full human consequences become legally provable.

The policy therefore points to the importance of going beyond the current framework. Reforms should aim to make the ecocide provision more independent and effective. One way forward is to draw on other sources of international law that offer stronger standards for protecting the environment. These include international environmental law, the ICJ's climate advisory opinion, and principles of prevention, due diligence, and erga omnes obligations. These standards could help shift the focus from purely human victims toward greater recognition of harm to the environment itself.

Such reforms would address the gaps shown by the policy. They could improve the chances that the amendment will be used in real cases and will make a meaningful difference. The next chapter examines whether the proposed ecocide amendment should incorporate specific standards from the ICJ's July 2025 Advisory Opinion on climate change obligations. This step could help overcome the anthropocentric limits and strengthen the amendment.

IV. The ICJ Advisory Opinion and the Case for Reforming Ecocide

A: Key Findings on Erga Omnes and Due Diligence

On 23 July 2025, the International Court of Justice (ICJ) delivered its Advisory Opinion on the *Obligations of States in respect of Climate Change*.⁵⁵ The opinion was requested by the United Nations General Assembly in resolution 77/276, following a strong initiative led by Vanuatu and supported by many other States.⁵⁶

The ICJ answered two main questions.⁵⁷ The first concerned the obligations of States under international law to protect the climate system and other parts of the environment from anthropogenic greenhouse gas emissions, for the benefit of States and present and future generations.⁵⁸ The second concerned the legal consequences when States cause significant

⁵⁵ *Obligations of States in Respect of Climate Change*, Advisory Opinion, 2025 I.C.J. (July 23).

⁵⁶ Caroline E. Foster, *The 2025 International Court of Justice Advisory Opinion on Obligations of States in Respect of Climate Change* (2025).

⁵⁷ *Id.*

⁵⁸ *Id.*

harm through acts or omissions related to climate change.⁵⁹

The Court found that States have binding obligations under customary international law, the UN Framework Convention on Climate Change and its related agreements (including the Paris Agreement), and other sources of international law.⁶⁰ A central standard identified by the Court is **due diligence**. This means States must take all appropriate measures, based on the best available science and the precautionary approach, to prevent significant harm to the climate system and the environment. Due diligence includes obligations of mitigation (reducing emissions), adaptation, and international cooperation.⁶¹

The ICJ also recognised that certain obligations to protect the climate system have an **erga omnes** character. This means they are owed to the international community as a whole.⁶² Every State has a legal interest in their protection. In some cases, obligations may also be *erga omnes partes* under specific treaties. The Court stressed principles such as prevention of significant transboundary harm, intergenerational equity, and sustainable development.

These findings provide clear, authoritative guidance on State responsibility for environmental and climate harm.⁶³ They go beyond a purely human-centred view and emphasise protection of the climate system and environment as a shared global concern.⁶⁴

B: Incorporating ICJ Standards into the Ecocide Amendment

The proposed ecocide amendment should be reformed to incorporate the due diligence standard and the erga omnes character of obligations from the ICJ Advisory Opinion. This would help make the new crime more effective and better aligned with broader international law.

The current Vanuatu proposal (submitted in September 2024 with Fiji and Samoa) defines ecocide in the new Article 8 *ter* 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.”⁶⁵ It defines key terms such as “wanton,” “severe,”

⁵⁹ Obligations of States in Respect of Climate Change, *supra* note 11.

⁶⁰ *Id.*

⁶¹ *Id.*

⁶² *Id.*

⁶³ Caroline E. Foster, The 2025 International Court of Justice Advisory Opinion on Obligations of States in Respect of Climate Change, 74 *Int'l & Comp. L.Q.* 1 (2025), <https://doi.org/10.1017/S0020589325101292>.

⁶⁴ *Id.*

⁶⁵ ICC Assembly of States Parties, Working Group on Amendments, *supra* note 44.

“widespread,” “long-term,” and “environment” (which includes the earth, its biosphere, cryosphere, lithosphere, hydrosphere, atmosphere, and outer space). The proposal also suggests adding ecocide to Article 5 as a fifth core crime.⁶⁶

To incorporate ICJ standards, the following drafting changes could be considered:

First, the definition of the term “wanton” or of the mens rea requirement could incorporate the concept of due diligence. For instance, an act may be said to be wanton if there is a failure to take reasonable steps to prevent damage to the environment using due diligence in light of available science and the precautionary principle.⁶⁷ This should not replace individual criminal responsibility, but may help assess whether the conduct was unreasonable, preventable, and carried out with knowledge of likely serious environmental harm.

The second point concerns the possibility to include in the preamble or definition of the crime the erga omnes character of obligations to protect the climate and the environment. In this case, it will be easier to argue about wider standing and complementarity and the possibility that serious infringements of the duties to protect the climate and environment may be classified as ecocide if done intentionally by persons with relevant knowledge.⁶⁸

Finally, there could be added a clarification that damage to the environment in its own right is enough, and at the same time the effects upon people may be taken into account. This amendment will help to find a middle way between an anthropocentric and an ecocentric approach.⁶⁹

These changes would still be consistent with the Rome Statute. This is because the Rome Statute enables the Court to construe the crimes based on international law applicable to them.⁷⁰ In addition, the ICJ Opinion serves as a credible source from outside that can guide the interpretation and application of the proposed crime of ecocide. Amendments related to other provisions (for example, the preamble) may also refer to the importance of protecting the environment for current and future generations.⁷¹

⁶⁶ *Id.*

⁶⁷ Obligations of States in Respect of Climate Change, *supra* note 11.

⁶⁸ ICC Assembly of States Parties, *Working Group on Amendments*, *supra* note 44.

⁶⁹ *Id.*

⁷⁰ Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

⁷¹ *Id.*

These changes will not result in new State responsibility before the ICC but would rather ensure that individuals' crimes were better linked to international commitments.

V. Normative Justification, Global South Leadership, and Challenges

A: Transcending Anthropocentrism and Reflecting Global South Leadership

It is normatively justified to make the necessary amendments to the ecocide amendment through the adoption of the *erga omnes* principles and due diligence standards found in the ICJ Advisory Opinion of July 2025.⁷² These reforms will assist international criminal law to transcend its anthropocentric confines and acknowledge the leadership of nations of the Global South.⁷³

First, the reform would help transcend anthropocentric limitations. Research question one showed that the Rome Statute and the December 2025 OTP Policy mainly protect the environment when it affects human life, health, or dignity.⁷⁴ The ICJ Opinion offers a different approach. It clearly states that States have obligations to protect the climate system and other parts of the environment from significant harm caused by greenhouse gas emissions. These obligations exist for the benefit of present and future generations and treat the climate system as a shared global concern. By adding due diligence as a standard in the ecocide definition, the amendment could focus more on preventing serious environmental damage itself, not only on direct harm to people. This would create a more balanced approach that values the environment *per se* while still considering human impacts.

Second, the *erga omnes* character recognised by the ICJ would strengthen the amendment.⁷⁵ The Court found that obligations to protect the climate system and prevent significant transboundary harm are owed to the international community as a whole. Every State has a legal interest in their protection. Including this idea in the ecocide provision could support broader standing and make complementarity work better between the ICC and national courts. It would signal that serious violations of these shared obligations can amount to a crime when

⁷² Int'l Crim. Ct., Policy on Addressing Environmental Damage, *supra* note 14.

⁷³ *Id.*

⁷⁴ Vincenzo Elia, Ecocide to Effectively Stimulate the Integration of International Environmental and Criminal Laws, 16 Asian J. Int'l L. 1 (2026).

⁷⁵ Foster, *supra* note 55.

committed by individuals with the required knowledge.⁷⁶

Third, the reform would better reflect Global South leadership. Vanuatu led both the request for the ICJ Advisory Opinion and the proposal for the ecocide amendment (together with Fiji and Samoa).⁷⁷ Small island States in the Pacific are among the countries most affected by climate change and environmental harm, even though they contribute very little to the problem. Bringing the ICJ standards into the Rome Statute would recognise this leadership and support calls for environmental justice from the Global South. It would help move international criminal law away from a Global North-dominated focus and give stronger voice to countries that suffer the most from environmental destruction.⁷⁸

These changes would also improve the feasibility and enforceability of the amendment. A due-diligence standard would make the crime more preventive if used to clarify wantonness and reasonable preventive conduct. Alignment with the ICJ Opinion would connect the new crime to existing international law on climate and environment. This would make the provision more practical and increase political support at the Assembly of States Parties.⁷⁹

B: Counterarguments, Challenges, and Responses

Some may argue against reforming the ecocide amendment with ICJ standards. One common concern is that it could raise sovereignty issues. States might worry that stronger due-diligence requirements or *erga omnes* language would interfere with their right to develop or use natural resources.⁸⁰

Yet another issue would be the fact that the Rome Statute places emphasis on individual criminal responsibility, requiring a high level of gravity. It can be argued that incorporating State-centric elements such as *erga omnes* and due diligence may undermine this principle.

Another aspect would be implementation. There have been difficulties for the ICC regarding complementarity, lack of funds, and political backing. Some may be apprehensive about

⁷⁶ Perera, *supra* note 37.

⁷⁷ *Id.*

⁷⁸ Adam Branch & Liana Minkova, Ecocide, the Anthropocene, and the International Criminal Court, 31 *Eur. J. Int'l L.* 1221 (2020).

⁷⁹ Vincenzo Elia, Ecocide to Effectively Stimulate the Integration of International Environmental and Criminal Laws, 16 *Asian J. Int'l L.* 1 (2026).

⁸⁰ Vincenzo Elia, Ecocide to Effectively Stimulate the Integration of International Environmental and Criminal Laws, 16 *Asian J. Int'l L.* 1 (2026).

implementing the revised concept of ecocide crime due to its wide scope or application and these issues can be mitigated.⁸¹

The proposed reforms would stay within the Rome Statute's framework of individual responsibility. Due diligence would help define the mental element (for example, "wanton" acts) without changing the core structure. The *erga omnes* character would support the crime's seriousness without creating new State responsibility at the ICC.

The high gravity threshold would remain. Only the most serious cases of severe, widespread or long-term environmental damage would qualify. Linking the amendment to the ICJ Opinion would actually increase coherence with other areas of international law and make the provision easier to apply in practice.⁸²

Overall, the benefits of reform a stronger, more preventive, and more inclusive crime outweigh the challenges. The reforms would make the Vanuatu proposal more effective while respecting the existing limits of the Rome Statute.

VI. Conclusion

The discussion demonstrates that the central weakness of the present international criminal law framework lies in its continued dependence on anthropocentric harm. The ICC OTP's December 2025 Policy on Addressing Environmental Damage Through the Rome Statute is an important institutional development because it recognises that environmental destruction may be relevant to genocide, crimes against humanity, war crimes, and aggression. Yet its significance is also its limitation. The policy does not create an independent environmental crime and remains confined to the existing structure of the Rome Statute, where environmental damage becomes legally visible mainly when it affects human life, health, livelihood, displacement, or dignity. In this sense, the policy confirms that the Rome Statute can respond to environmental harm only partially and indirectly.

The Vanuatu-led proposal to introduce ecocide as a fifth core crime therefore remains necessary, but it requires careful refinement. A standalone crime of ecocide must not merely reproduce the human-centred logic of existing crimes. It should recognise serious, widespread

⁸¹ *Id.*

⁸² *Id.*

or long-term environmental damage as a wrong in itself, while still preserving the Rome Statute's basic commitment to individual criminal responsibility. The ICJ's July 2025 Advisory Opinion on climate change obligations offers useful normative guidance in this regard. Its emphasis on due diligence, prevention of significant environmental harm, and erga omnes obligations can strengthen the conceptual foundation of ecocide. These principles should not be treated as creating State criminal responsibility before the ICC; rather, they can guide the drafting, interpretation, gravity assessment, and preventive orientation of the proposed crime.

Such reform would also give greater legitimacy to the ecocide project by reflecting the leadership of Vanuatu and other small island and Global South States, which have placed environmental survival at the centre of international legal reform. The future of ecocide should therefore lie in a balanced model: one that moves beyond purely anthropocentric protection, recognises the intrinsic value of the environment, and remains legally workable within the ICC system. Without such reform, international criminal law will continue to address environmental destruction only after it is translated into human suffering, leaving the environment itself insufficiently protected.