**Headline:** Should Harming Mother Earth Be a Crime? The Case for Ecocide Laws

**Teaser:** The destruction of nature might one day become a criminal offense adjudicated by the International Criminal Court.

By Reynard Loki

**Author Bio:** [Reynard Loki](https://observatory.wiki/Reynard_Loki) is a co-founder of the [Observatory](https://observatory.wiki/), where he is the [environment](https://observatory.wiki/Environment) and [animal rights](https://observatory.wiki/Animal_Rights) editor. He is also a writing fellow at the [Independent Media Institute](https://independentmediainstitute.org/), where he serves as the editor and chief correspondent of [Earth | Food | Life](https://independentmediainstitute.org/earth-food-life/). He previously served as the environment, food, and animal rights editor at AlterNet and as a reporter for Justmeans/3BL Media, covering sustainability and corporate social responsibility. He was named one of FilterBuy’s Top 50 Health and Environmental Journalists to Follow in 2016. His work has been published by Yes! Magazine, Salon, Truthout, BillMoyers.com, Asia Times, Pressenza, and EcoWatch, among many others. He volunteers with [New York City Pigeon Rescue Central](https://nycprc.org/) and [NYC Audubon](https://nycaudubon.org/?gad_source=1&gclid=CjwKCAjwoa2xBhACEiwA1sb1BNUBR8GsVNj-Sbot9bvihUTJ5zDelXYbqo9ubJh5PW2-OQ7duPYDFhoC_hAQAvD_BwE) and serves on the board of the [Stuyvesant Park Neighborhood Association](https://www.spnanyc.org/).

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**[Article Body:]**

On December 3, 2019, the Pacific island state of Vanuatu [made an audacious proposal](https://asp.icc-cpi.int/sites/asp/files/asp_docs/ASP18/GD.VAN.2.12.pdf): Make ecocide—the destruction of nature—an international crime. “An amendment of the Rome Statute could criminalize acts that amount to ecocide,” [stated](https://theecologist.org/2019/dec/04/hague-must-recognise-ecocide) Ambassador of Vanuatu John Licht at the International Criminal Court’s (ICC) annual [Assembly of States Parties](https://www.coalitionfortheicc.org/assembly-of-states-parties-2019) in the Hague. He was speaking on behalf of his government at the assembly’s full plenary session. “We believe this radical idea merits serious discussion.”

Since then, the idea has become less radical: Amid the intensifying global climate emergency, interest has been mounting among nations and diverse stakeholders—spanning international bodies, grassroots organizations, and businesses—that ecocide be formally recognized as an international crime, joining the ranks of [genocide](https://www.un.org/en/genocideprevention/genocide.shtml), [crimes against humanity](https://www.un.org/en/genocideprevention/crimes-against-humanity.shtml), [war crimes](https://www.un.org/en/genocideprevention/war-crimes.shtml), and [crimes of aggression](https://www.coalitionfortheicc.org/explore/icc-crimes/crime-aggression), which are the four core international crimes established by the [Rome Statute of the ICC](https://www.icc-cpi.int/sites/default/files/RS-Eng.pdf). These crimes are not subject to any statute of limitations.

Environmental activists are [pushing](https://www.nbcnews.com/news/world/ecocide-movement-pushes-new-international-crime-environmental-destruction-n1263142) to elevate the concept of ecocide—literally, the “killing of the ecosystem”—as the fifth international crime to be adjudicated by the ICC. If it becomes a reality, those who commit environmental destruction could be liable to arrest, prosecution, and punishment—by a fine, imprisonment, or both.

The European Union, in February 2024, took a step in the direction of criminalizing cases that lead to environmental destruction and “voted in a [new directive](https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/65de0f6929489623280f1dc7/1709051753904/TA-9-2024-0093_EN.pdf)” that makes these crimes comparable to ecocide, [according](https://grist.org/regulation/eu-ecocide-law-environmental-crime-international) to Grist. “The new law holds people liable for environmental destruction if they acted with knowledge of the damage their actions would cause.” The article adds that environmental crime is the “fourth most lucrative illegal activity in the world, worth [an estimated $258 billion annually](https://news.mongabay.com/2016/06/environmental-crime-reaches-new-record-of-258b/),” according to Interpol, and is only growing with each passing year.

Ecocide proponents want laws being pushed across various international organizations and government agencies to cover the most egregious crimes against nature, which could ultimately include massive abuses to the living environment, such as oil spills, illegal deforestation, deep-sea mining, mountaintop removal mining, Arctic oil exploration and extraction, tar sand extraction, and factory farming. British barrister and environmental lobbyist Polly Higgins [defined](https://ecocidelaw.com/polly-higgins-ecocide-crime/) ecocide as “extensive damage… to such an extent that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished.”

**Ecosystem Services: Existential and Economic Value**

Healthy, functioning ecosystems provide a wide range of services to humanity and all life on Earth that are essential for the sustainable management and conservation of natural resources. These services can be categorized into four broad categories.

**Provisioning Services:** Healthy ecosystems provide food and water for humans and nonhuman animals, timber for building, and fiber for clothing and other industries.

**Regulating Services:** These services control conditions and processes, such as climate regulation, water purification, and pollination. Wetlands, for instance, purify water by [filtering out pollutants](https://dec.vermont.gov/watershed/wetlands/functions/water-quality), while [forests help regulate climate](https://observatory.wiki/The_Case_for_Protecting_the_Tongass_National_Forest,_America%E2%80%99s_%E2%80%98Last_Climate_Sanctuary%E2%80%99) by absorbing carbon dioxide.

**Supporting Services:** These services are necessary to produce all other ecosystem services. Examples include nutrient cycling, soil formation, and primary production. Soil organisms contribute to nutrient cycling, and the soil supports plant growth.

**Cultural Services:** Humanity obtains numerous non-material benefits from healthy ecosystems, including spiritual enrichment, [cognitive development](https://www.apa.org/monitor/2020/04/nurtured-nature/), reflection, recreation, and aesthetic experiences. Parks, beaches, and natural landscapes provide opportunities for recreation and relaxation, while cultural heritage sites offer historical and spiritual connections.

Ecosystem services are crucial for human well-being, economic prosperity, and societal development. To ensure that we continue to enjoy these services, we must protect ecosystems from the destructive harm of unsustainable exploitation. Ecocide laws can provide this protection.

**War in Ukraine: Ecocide by Russia**

Ukraine is seen as a “[trailblazer](https://www.middlebury.edu/events/event/ecocide-court-justice-lessons-ukraine-addressing-global-environmental-challenges)” in pushing for recognizing ecocide crimes “within the realm of justice.” This thinking has especially gained momentum since Russia’s attack on the nation in February 2022, leading to the war on Ukraine being seen as a site of ecocide. On April 16, 2024, environmental, climate, and energy experts gathered at Franklin Environmental Center at Hillcrest in Middlebury, Vermont, for a panel discussion titled “[Criminalizing Ecocide: Lessons From Ukraine in Addressing Global Environmental Challenges](https://www.middlebury.edu/events/event/ecocide-court-justice-lessons-ukraine-addressing-global-environmental-challenges).” The event centered on the significant ramifications of Russia’s environmental transgressions in Ukraine within the broader scope of global environmental justice.

The panelists—including Marjukka Porvali from the European Commission (a specialist in environmental policy with a focus on Ukraine); Jojo Mehta, the co-founder of [Stop Ecocide](https://www.stopecocide.earth/); Bart Gruyaert, project director at [Neo-Eco Ukraine](https://neo-eco.com.ua/en/); and Anna Ackermann, a climate and energy policy analyst—discussed establishing legal precedents to prosecute the gravest offenses against nature, promoting a cultural shift toward taking environmental issues seriously, and navigating a fair transition—while responsibly utilizing critical resources for reconstruction.

The [Ukrainian government](https://grist.org/regulation/eu-ecocide-law-environmental-crime-international) “has [also] argued for using…[international criminalization of ecocide] as a tool to hold individuals accountable for environmental destruction in wartime.” Their call increased in the summer of 2023 when Russia destroyed the Kakhovka Dam, which not only killed people but also caused the spread of chemical pollution in the area.

**Protecting the Future of Life on Earth**

In 2017, Higgins and Mehta founded the [Stop Ecocide](https://www.stopecocide.earth/) campaign. Overseen by the [Stop Ecocide Foundation](https://www.stopecocide.earth/sef), a charitable organization based in the Netherlands, the campaign is the only global effort to exclusively focus on the establishment of ecocide as an international crime to prevent further devastation to the Earth’s ecosystems. “Protecting the future of life on Earth means stopping the mass damage and destruction of ecosystems taking place globally,” states the Stop Ecocide [Facebook page](https://m.facebook.com/EcocideLaw/photos/a.151378744882550/4447437901943258/?type=3). “And right now, in most of the world, no one is held responsible.”

Vanuatu’s bold proposition was the first time a state representative made an official call for the criminalization of ecocide on the international stage since 1972 when then-Swedish Prime Minister Olof Palme made the argument during his [keynote address](http://www.olofpalme.org/wp-content/dokument/720606a_fn_miljo.pdf) at the United Nations Conference on the Human Environment in Stockholm.

“The immense destruction brought about by indiscriminate bombing, by large-scale use of bulldozers and herbicides is an outrage sometimes described as ecocide, which requires urgent international attention,” [said](https://olofpalme.arbark.se/wp-content/dokument/720606a_fn_miljo.pdf) Palme in his address. “It is shocking that only preliminary discussions of this matter have been possible so far in the United Nations and at the conferences of the International Committee of the Red Cross, where it has been taken up by my country and others. We fear that the active use of these methods is coupled by a passive resistance to discuss them.”

**The Failure of the Paris Climate Agreement**

That passive resistance to discussing the immense destruction of nature at the hands of humanity has largely continued. Though nearly 200 nations signed the [Paris Agreement](https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement) in 2015—designed to avoid irreversible climate change by limiting global warming to “well below” 2 degrees Celsius—the countries’ commitments are not nearly enough. As they stand, the promises put the Earth on course to heat up between [3 and 4 degrees Celsius above the historic baseline by 2100](https://phys.org/news/2020-04-paris-climate-goals-failure-world.html).

Although the Paris Agreement mandates the monitoring and reporting of carbon emissions, it lacks the authority to compel any nation to decrease its emissions. Considering this shortcoming, the landmark agreement has been a [failure](https://thehill.com/opinion/energy-environment/3460944-the-paris-agreement-is-failing-we-need-a-new-approach). This failure inspired more than 11,000 scientists from 153 countries to sign a “[World Scientists’ Warning of a Climate Emergency](https://academic.oup.com/bioscience/article/70/1/8/5610806)” declaration in January 2020. [Another 2,100 scientists have signe](https://www.scientificamerican.com/article/we-are-living-in-a-climate-emergency-and-were-going-to-say-so)d it as of April 9, 2021.“An immense increase of scale in endeavors to conserve our biosphere is needed to avoid untold suffering due to the climate crisis,” the scientists [warned](https://academic.oup.com/bioscience/article/70/1/8/5610806).

Society did not heed the warning: Two years later, in 2022, worldwide carbon dioxide emissions from the combustion of fossil fuels reached a [record high](https://www.carbonbrief.org/analysis-global-co2-emissions-from-fossil-fuels-hit-record-high-in-2022/).

“A 100 countries say they are aiming for net-zero or carbon neutrality by 2050, yet just 14 have enacted such targets into law,” [Carter Dillard](https://observatory.wiki/Carter_Dillard), policy director of the nonprofit Fair Start Movement and author of [*Justice as a Fair Start in Life: Understanding the Right to Have Children*](https://www.elivapress.com/en/book/book-2237832918/), [wrote](https://thehill.com/opinion/energy-environment/3460944-the-paris-agreement-is-failing-we-need-a-new-approach) in the Hill in April 2022.

“[T]he Paris Agreement, which itself allowed for [widespread ecological destruction](https://phys.org/news/2022-02-paris-agreement-limits-catastrophic-coral.html), is failing,” [said](https://thehill.com/opinion/energy-environment/3460944-the-paris-agreement-is-failing-we-need-a-new-approach) Dillard, whose organization supports the emergence of smaller families not only to tackle environmental degradation but also to establish “fair starts” for the children born today who have to face the prospect of growing up on a rapidly deteriorating planet. “Meanwhile, in real-time, global warming is already [killing and sickening people](https://www.npr.org/2022/02/28/1082564304/billions-of-people-are-in-danger-from-climate-change-u-n-report-warns) and damaging [fetal and infant health](https://www.theguardian.com/environment/2022/jan/15/global-heating-linked-early-birth-damage-babies-health) worldwide,” Dillard wrote. “Maybe it’s time for a rethink and a deeper approach.”

**A Broken Legal Framework**

One deeper approach would be to protect the natural environment through the legal system since, as the Paris Agreement has shown, non-binding commitments that are not subject to possible punishment and remain unfulfilled are ultimately meaningless.

Higgins [pointed out](https://www.desmogblog.com/2019/04/16/polly-higgins-lawyer-taking-big-oil-s-crimes-against-humanity) the illogical state of our current legal system, which shields perpetrators of crimes against nature: “We have laws that are protecting dangerous industrial activities, such as fracking, despite the fact that there is an abundance of evidence that it is hugely harmful in terms of carbon emissions, biodiversity loss, and the catastrophic trauma it can cause communities that are impacted by it.”

“The rules of our world are laws, and they can be changed,” she [said](https://www.theradicals.org/articles-1/2023/1/31/polly-higgins-the-earths-lawyer) in 2015. “Laws can restrict, or they can enable. What matters is what they serve. Many of the laws in our world serve property—they are based on ownership. But imagine a law that has a higher moral authority… a law that puts people and planet first. Imagine a law that starts from first do no harm, that stops this dangerous game and takes us to a place of safety.”

**Ecocide Movement Growing**

While the ecocide movement was dealt a blow when Higgins died in 2019 after a [battle with cancer](https://www.resurgence.org/magazine/article5340-obituary-polly-higgins.html), it picked up speed, aided not only by Vanuatu’s proposal but also by high-profile supporters like French President Emmanuel Macron, who [said](https://www.bbc.com/future/article/20201105-what-is-ecocide?ocid=ww.social.link.email), “The mother of all battles is international: to ensure that this term is enshrined in international law so that leaders… are accountable before the International Criminal Court.”

Environmental protection is becoming more of a concern among the general public, many of whom take a dim view of elected leaders’ inaction. According to a 2024 CBS News [poll](https://www.cbsnews.com/news/poll-reduce-climate-change-extreme-weather-04-21-2024/), 70 percent of Americans favor government action to address climate change. Half of Americans believe that it is a crisis that must be addressed immediately. Almost a quarter of human-caused greenhouse gas emissions come from the industrialized destruction of natural landscapes to support agriculture, forestry, and other uses to support human society. By criminalizing widespread environmental destruction with no remediation, ecocide laws can be a vital tool in dealing with the climate crisis.

A 2024 Conservation in the West [poll](https://www.axios.com/local/denver/2024/02/14/conservation-in-the-west-poll-election-environment-concerns) revealed a deep-seated worry about the environment’s future among two-thirds of voters across eight Western U.S. states. Their concerns ranged from low river water levels and loss of wildlife habitat to air and water pollution. Interestingly, the survey found that 80 percent or more of these voters support the idea of energy companies bearing the costs of cleaning up extraction sites and restoring the land after drilling activities. This view is not far from the belief that environmental destruction should be treated as a criminal offense.

Meanwhile, three-quarters want the U.S. to generate all of its electricity from renewable sources within 15 years, according to a [poll](https://thehill.com/changing-america/sustainability/climate-change/517778-new-poll-finds-a-surprising-7-out-of-10-voters) conducted by the Guardian and Vice in the run-up to the 2020 presidential election. In December 2020, as world leaders marked the fifth anniversary of the Paris Agreement, UN Secretary-General António Guterres urged every country to declare a “[climate emergency](https://www.reuters.com/article/us-climate-change-un-summit/u-n-chief-urges-leaders-of-every-country-to-declare-climate-emergency-idUSKBN28M0IV).”

The general public is warming to the idea of criminalizing the destruction of nature, with more than 99 percent of the French “citizens’ climate assembly”—a group of 150 people randomly selected to help guide the nation’s climate policy—[voting to make ecocide a crime](https://theecologist.org/2020/jun/24/french-citizens-assembly-votes-ecocide) in June 2020.

“If something’s a crime, we place it below a moral red line. At the moment, you can still go to the government and get a permit to frack or mine or drill for oil, whereas you can’t just get a permit to kill people because it’s criminal,” [said](https://www.bbc.com/future/article/20201105-what-is-ecocide) Mehta. “Once you set that parameter in place, you shift the cultural mindset as well as the legal reality.”

“The air we breathe is not the property of any one nation—we share it,” Palme [said](https://olofpalme.arbark.se/wp-content/dokument/720606a_fn_miljo.pdf) in his 1972 address. “The big oceans are not divided by national frontiers—they are our common property. … In the field of human environment there is no individual future, neither for humans nor for nations. Our future is common. We must share it together. We must shape it together.”

Greta Thunberg [called](http://www.en.gdv.de/en/issues/our-news/the-earth-is-melting--how-insurers-are-responding-53946) for a shift in our legal system regarding the environment. “We will not save the world by playing by the rules,” said Thunberg, who has become the face of the international youth climate movement. “We need to change the rules.”

**Ecocide Laws Moving Through European Parliaments**

In February 2024, the Belgian parliament passed a revised penal code [endorsing the punishment of ecocide](https://www.brusselstimes.com/937229/belgium-becomes-first-in-eu-to-recognise-ecocide-as-international-crime-tbtb) at national and international levels. This landmark decision makes Belgium the first European nation to acknowledge ecocide within the realm of international law.

“Belgium is now at the forefront of a truly global conversation around criminalizing the most severe harms to nature and must continue to advocate for the recognition of ecocide at the International Criminal Court, alongside genocide,” [said](https://geographical.co.uk/science-environment/belgium-recognises-ecocide-as-international-level-crime) Patricia Willocq, director of Stop Ecocide Belgium. “In order to fully protect nature, it is necessary that those that would willfully destroy vast swaths of the natural world, in turn causing untold human harm, should be criminalized.”

Scotland may follow suit. On November 8, 2023, Labour Member of the Scottish Parliament Monica Lennon introduced a [proposed ecocide bill](https://www.parliament.scot/-/media/files/legislation/proposed-members-bills/final_ecocideprevention_consultationdocument_monicalennonmsp.pdf) in the Scottish Parliament that could lead to substantial penalties for those found guilty of the large-scale destruction of the environment, potentially resulting in up to 20 years of imprisonment. If passed, it would establish Scotland as the first country in the United Kingdom to implement strict consequences for environmental damage.

Lennon initiated a consultation that was set to conclude in February 2024. The government responded by confirming that Circular Economy Minister Lorna Slater [would discuss the proposed measures](https://www.bbc.com/news/uk-scotland-67356905) with Lennon. Following the [conclusion of the consultation phase](https://www.parliament.scot/bills-and-laws/proposals-for-bills/proposed-ecocide-prevention-scotland-bill) on February 9, 2024, the bill now needs the backing of at least 18 parliamentary members to advance to the next stage.

“Thousands of overwhelmingly supportive submissions have been received from members of the public and institutions in the space of just four months and Greens Biodiversity Minister Lorna Slater has now written indicating her government’s support,” [reported](https://www.dailyrecord.co.uk/news/scottish-government-backs-ecocide-law-32426243) John Ferguson, political editor of the Sunday Mail, on March 24, 2024.

“This is a promising development and I welcome the Scottish Government’s support,” [said](https://www.dailyrecord.co.uk/news/scottish-government-backs-ecocide-law-32426243) Lennon. “Ecocide law is emerging around the world in a bid to prevent and punish the most serious crimes against nature. My proposed bill to stop ecocide in Scotland is gaining widespread support, and this encouraging update from the Scottish Government is a boost to the campaign.”

**The Case for Ecocide Laws**

If implemented, ecocide laws would protect ecosystems and preserve biodiversity, an essential element for maintaining healthy ecosystems that support all life forms, including humans. These laws would safeguard natural habitats, reduce environmental damage, and significantly mitigate climate change by preserving carbon sinks like forests and curbing greenhouse gas emissions from industrial activities.

Critically, enshrining ecocide as a crime would hold individuals and corporations accountable for environmental harm, promoting a sense of justice and responsibility in interacting with the natural world. Enforcing laws against ecocide also encourages sustainable practices and resource management, fostering a more harmonious relationship between human activities and the environment over the long term.

Together, these reasons reflect broader efforts that stretch across disciplines and activist frontlines—from environmentalism and nature rights to social justice and the law—toward sustainable development, conservation, and responsible stewardship of the planet for current and future generations. Part of that stewardship is eradicating “[institutional speciesism](https://www.vegansociety.com/get-involved/research/research-news/speciesism-endemic-systemic-and-institutional),” cultivating [ecocentrism](https://mahb.stanford.edu/blog/statement-ecocentrism/), and seeing our place in the natural world in the context of the entire planetary ecosystem—as one species among a multitude of interdependent species.

Philippe Sands, a lawyer who is a member of a [panel](https://ecocidelaw.com/definition/) launched in November 2020 to draft a definition of ecocide and who has appeared before the ICC and the European Court of Justice, [told](https://www.economist.com/international/2021/02/28/is-it-time-for-ecocide-to-become-an-international-crime/) the Economist in 2021, “My sense is that there is a broad recognition that the old anthropocentric assumptions may well have to be cast to one side if justice is truly to be done, and the environment given a fair degree of protection.”