

Ecocide as a fifth international crime: Reasons and Expectations

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1

1. Goal

- Criminalize the most severe environmental destruction and set it alongside the most serious international crimes that are of concern to the community as whole
- Amendment to the Rome Statute (ICC)
- Stop Ecocide Foundation (Polly Higgins, Arne Næss Chair, UiO, 2014)



to mountaintop removal, mining of all kinds has a record of serious land and water contamination.



Tar sands
The Athabasca tar sands (in Alberta, Canada) are the biggest of these operations, devastating wildlife, indigenous lands and creating scars visible from space.

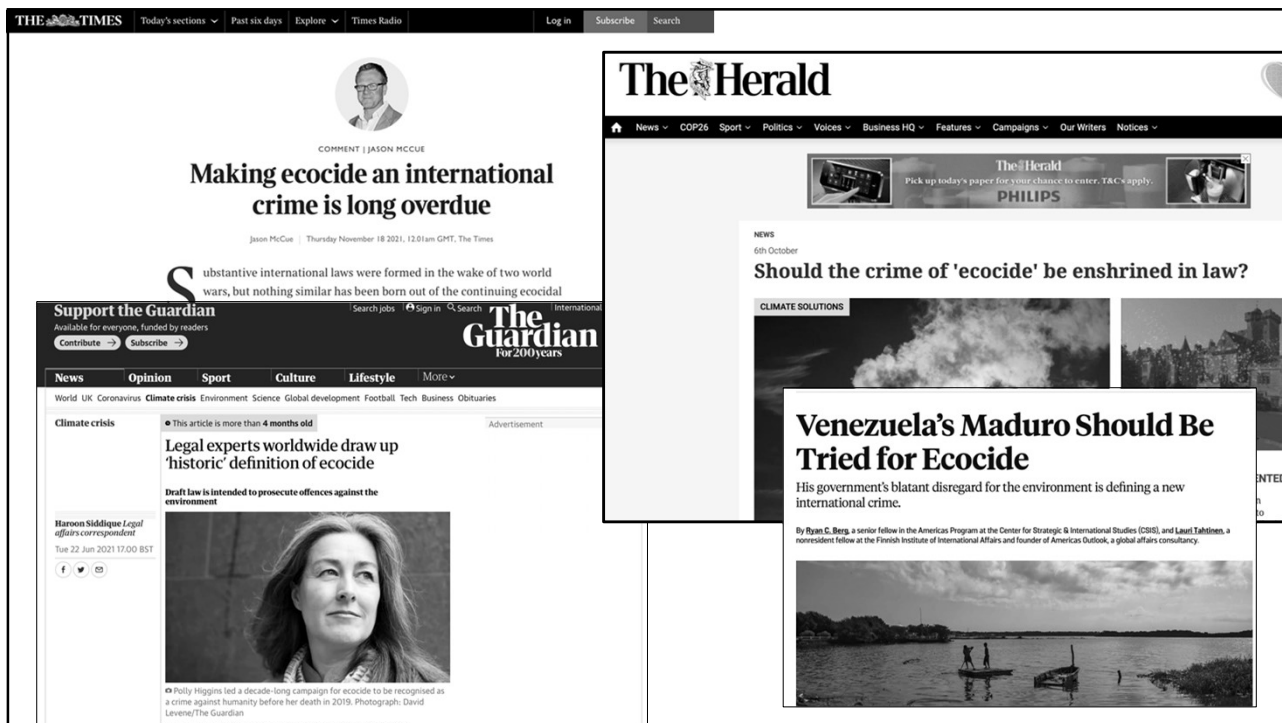


2

2. Expert panel



3



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COMMENT | JASON MCCUE
Making ecocide an international crime is long overdue
Jason McCue | Thursday November 18 2021, 12:01am GMT, The Times

Substantive international laws were formed in the wake of two world wars, but nothing similar has been born out of the continuing ecological

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Legal experts worldwide draw up 'historic' definition of ecocide
Draft law is intended to prosecute offences against the environment

Haron Sidique Legal affairs correspondent
Tue 22 Jun 2021 17:00 BST

Venezuela's Maduro Should Be Tried for Ecocide
His government's blatant disregard for the environment is defining a new international crime.

By **Ryan C. Berg**, a senior fellow in the Americas Program at the Center for Strategic & International Studies (CSIS), and **Lauri Tahminen**, a nonresident fellow at the Finnish Institute of International Affairs and founder of Americas Outlook, a global affairs consultancy.

4

3. Definition

Article 8 ter

Ecocide

1. For the purpose of this Statute, "ecocide" means 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.
2. For the purpose of paragraph 1:
 - a. "Wanton" means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;
 - b. "Severe" means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;
 - c. "Widespread" means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings;
 - d. "Long-term" means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;
 - e. "Environment" means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space.

5

4. Some choices

- New, additional crime – not amendment of existing crimes
 - Including during times of peace
 - Environmental damage
- Realistic approach
 - Use of familiar concepts
- No catalogue of acts, but general and abstract definition with sub-definitions of terms
- Environmental harm: disjunctive threshold (severe and EITHER widespread OR long-term)
- Pure environmental harm (ecocentric or anthropocentric?)
- Illegal acts
- Legal acts/wantonness

6

5. Ecocide: Some reflections

Long process, political support uncertain

Criminalization: important signal (change in consciousness)

National legal changes more appropriate and effective? Prosecution by national authorities