Ecocide

Mains: *GS-III – Ecology & Environment*

Why in News?

A recent report by Lebanon accused Israel's military of committing "ecocide" during its 2023-24 invasion of southern Lebanon — reshaping both its "physical and ecological landscape".

What is Ecocide?

- **Definition** – Ecocide refers to the very *worst harms caused to the environment by human actions*, usually on a major industrial scale or affecting a huge area.
- **Proposed International Definition** – 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 – by the Stop Ecocide International (non-profit organisation) in 2021.
- **Origin** – It was coined in 1970 by *Prof Arthur W Galston* (a Yale plant biologist) to describe massive, long-term environmental devastation, particularly caused by the use of herbicides in the Vietnam War.
- **Derived from** – Greek & Latin, translates to 'killing one's home' or 'environment'.
- **Early Use** – At the *UN Conference on the Human Environment, 1972* in Stockholm, the Swedish Prime Minister used the term to refer to the Vietnam War.
- **Early Adoption** – Indeed, **Vietnam** became the *world's first country to codify ecocide* in its domestic law in 1990.
- **Domestic Recognition** – Since then, the term has become more widespread, with many countries like Russia, Ukraine, Chile, France and Belgium incorporating ecocide (or equivalent) into national laws.
- **Current Status** – There is *no universal recognition* of "ecocide" as an international crime.

How does 'ecocide' differ from current provisions in international law?

- Many international conventions and statutes deal with widespread environmental damage, even if they *don't explicitly mention 'ecocide'*.
- **Rome Statute** – Ecocide is a war crime to intentionally launch a disproportionate attack knowing that it will cause "widespread, long-term and severe" damage to the natural environment;
- If it directly harms people, for example, causing displacement, suffering, injury on victims, or death.

- **Geneva Conventions** – They establish standards for the treatment of non-combatants, prohibit methods of warfare that cause "widespread, long-term and severe damage" to the natural environment.
- **Environmental Modification Convention (ENMOD), 1978** – Prohibits the deliberate manipulation of natural processes (like weather modification) if it causes "widespread, long-lasting or severe effects".
- **Violation of state sovereignty** — Cross-border environmental damage/pollution has long been treated along the lines of traditional tort principles (e.g., poisoning a river that flows into another country).
- **How Ecocide Differs?** – The difference is in the focus, that is, the current laws are anthropocentric - they protect humans first, ecosystems second.
- **Ecocide's approach** – Treats the environment as a victim in itself, not just as a backdrop to human suffering.

Where do current laws fall short?

- **Scope Limitations** – The Rome Statute recognises *only four serious crimes -*
  - Crime of genocide,
  - Crimes against humanity,
  - War crimes and
  - The crime of aggression.
- Environments harm is classified under war crimes, meaning it applies only during wartime, not in peacetime, industrial or ecological destruction.
- **Jurisdiction Issue** – Countries like Iran & Lebanon are not State Parties to the ICC, which could complicate the prosecution pathway.
- ICC jurisdiction, however, could still arise through a UN Security Council referral or ad hoc acceptance, but this is politically difficult.
- **Lack of Criminalisation** – Most existing international instruments do not establish enforceable international criminal liability for environmental destruction.
- **IUCN Recognition** – In 2025, IUCN, a global body that acknowledged ecocide as a concept but stopped short of creating binding criminal liability.
- **Advocacy for Inclusion** – Ecocide is being proposed as a fifth international crime in the Rome Statute, alongside genocide, crimes against humanity, war crimes, and aggression.
- **Barriers to Inclusion in the Rome Statute** – For inclusion into the Rome Statute,
  - **Amendment process** - A State Party must propose an amendment to the Statute at the Assembly of States Parties.
  - **Voting requirement** - Needs a two-thirds majority approval of States Parties.
  - **Further conditions** - Even after approval, additional steps are required before the amendment takes effect.

What is the enforcement challenge?

- **Existing Recognition**
- **IUCN motion** – In 2025, the IUCN recognised ecocide as a crime, but without binding enforcement.
- **Convention on the Protection of the Environment** – Adopted by the Council of

Europe through Criminal Law in 2025.

- This is the *first legally binding international treaty* to criminalise severe & large-scale environmental destruction — "conduct often termed ecocide".
- Under this convention, even acts committed abroad can be prosecuted in European domestic courts.
- **Jurisdictional Reach** – There is universal jurisdiction for crimes against humanity.
- **Universal Criminal jurisdiction** – Similar to crimes against humanity, ecocide could potentially be prosecuted irrespective of where the event happens, if perpetrators enter Europe.
- **Compliance Issues** – Despite recognition, no direct prosecution has ever been launched over environmental destruction caused by war.
- This raises questions on whether introducing 'ecocide' as a separate criminal principle under the Rome Statute would serve any purpose.
- **Dependence on Power** – Enforcement depends on whether powerful states accept jurisdiction and act through international law.

What is India's position with respect to ecocide?

- **India's Position** – India *does not legally recognise* ecocide as a distinct crime.
- India has *neither signed nor ratified* the Rome Statute of the International Criminal Court.
- **Legal Framework** – Instead of a single overarching criminal law, India relies on a fragmented patchwork of civil and regulatory statutes & enforcement oversights like -
    - Environment Protection Act (EPA), 1986
    - Wildlife (Protection) Act, 1972
    - Indian Penal Code (IPC)
    - National Green Tribunal (NGT)
- **Judicial Precedents** – The Supreme Court of India has established that the Right to a clean environment is a fundamental right under Article 21 (Right to Life).
- **M.K. Ranjitsinh vs Union of India (2024) –** The court recognised the right against the adverse impacts of climate change.
- **T.N. Godavarman Thirumulpad vs Union of India, 1995** – The Supreme Court stressed that protecting the environment requires shifting focus from human interests (anthropocentric) to the rights of nature (ecocentric) itself.
- **Ecocide (Prevention and Accountability) Bill, 2025** – A Private Member's Bill was introduced in the upper house of the Indian Parliament to make ecocide a formal criminal offence, applying to both individuals and corporations.

Reference

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