



## Global Push to Criminalize Ecocide

**For Prelims:** Ecocide, [Maya sites](#), [United Nations' International Criminal Court](#), Rome Statute, [Convention on Biological Diversity](#), [United Nations Framework Convention on Climate Change](#), [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#), [Environment Protection Act 1986](#), [Wildlife Protection Act 1972](#), [Compensatory Afforestation Fund Act, 2016 \(CAMPA\)](#).

**For Mains:** Present Status of Ecocide Acknowledgment in India, Arguments in Favour and Against Criminalising Ecocide

[Source: TH](#)

### Why in News?

The controversial [Maya](#) train project in Mexico aims to link tourists with historic [Maya sites](#), sparking concerns over its potential environmental and cultural impact.

- The debate surrounding this project brings into focus the **concept of "ecocide"** and the growing **global movement to criminalize [environmental destruction](#)**.

### What is an Ecocide?

- **About:**
  - **Ecocide**, derived from Greek and Latin, translates to 'killing one's home' or 'environment'.
  - **Although there is currently no universally recognized legal description of ecocide, a group of lawyers convened by an NGO named Stop Ecocide Foundation in June 2021 crafted a definition that would place environmental devastation within the same realm as crimes against humanity.**
  - According to their proposal, ecocide is defined as "unlawful or reckless actions carried out with the awareness that there exists a substantial probability of causing severe and either extensive or enduring harm to the environment."
- **Historical Context:**
  - In 1970, biologist **Arthur Galston** was the first to draw a **connection between environmental devastation and genocide** (which is recognised as an [international crime](#)).
    - He made this link when addressing the U.S. military's utilization of **Agent Orange, an herbicide, during the [Vietnam War](#)**.
  - **Swedish Prime Minister Olof Palme** also used this concept in a speech at the **United Nations**.
    - He cautioned that **uncontrolled [industrialization](#)** could lead to irreversible harm to the environment.
  - In 2010, a British lawyer played a pivotal role by urging the [United Nations' International Criminal Court \(ICC\)](#) to officially acknowledge ecocide as

an **international crime**.

- Currently, the [Rome Statute of the ICC](#) addresses four major offenses: **genocide, crimes against humanity, war crimes, and the crime of aggression as a international crime**.
- The provision related to **war crimes is the sole statute** that can hold a **wrongdoer accountable for environmental destruction**, but only if it is intentionally caused during times of armed conflict.

## What is the Present Status of Ecocide Acknowledgment in India?

- India has **neither signed nor ratified the Rome Statute of the International Criminal Court** and has **not expressed any official position on the proposal to criminalize ecocide at the international level**.
  - However, India has ratified several **international environmental treaties and conventions**, such as the [Convention on Biological Diversity](#), the [United Nations Framework Convention on Climate Change](#) and [Convention on International Trade in Endangered Species of Wild Fauna and Flora](#).
  - India has also enacted various **national laws and policies** to protect and conserve its environment, such as the [Environment Protection Act 1986](#), the [Wildlife Protection Act 1972](#), and [Compensatory Afforestation Fund Act, 2016 \(CAMPA\)](#).
- While some Indian court judgments have casually used the term '**ecocide**,' the concept **has not been formally integrated into Indian law**.
  - In the case of *Chandra CFS and Terminal Operators Pvt. Ltd. v. The Commissioner of Customs and Ors 2015*, the **Madras High Court** noted the continuous and unbridled activities of ecocide related to the removal of valuable timbers.
  - The [T.N. Godavarman Thirumulpad vs Union Of India & Ors 1995](#) case in the [Supreme Court](#) drew attention to the need to shift from an **anthropocentric approach to an ecocentric approach for achieving environmental justice**.

## What are the Arguments in Favour of Criminalising Ecocide?

- **Protecting the Environment as an End in Itself: Ecosystems are intricate networks of species and interactions that have evolved over millions of years.**
  - Protecting the environment as an end in itself recognizes the **importance of preserving these ecosystems in their natural state** to maintain their integrity and evolutionary potential.
  - Ecocide laws fill a gap in environmental protection, recognizing the environment as an **entity worthy of safeguarding**.
- **Intergenerational Justice: Advocates argue that ecocide can be seen as accumulating a "biodiversity debt" that future generations must repay.**
  - **By recognizing ecocide as a crime, society acknowledges its obligation to leave a sustainable and habitable planet for posterity.**
- **Climate Change Mitigation: Addressing ecocide through criminal law serves as a vital complement to international climate agreements by directly targeting the root causes of climate change.**
  - **Large-scale deforestation and uncontrolled fossil fuel extraction, all considered as ecocidal activities.**
  - Criminalizing ecocide adds a strong legal dimension to environmental protection, holding individuals and entities accountable for actions that harm the climate.

**Note:** In March 2023, the [Intergovernmental Panel on Climate Change \(IPCC\)](#) emphasized that **global climate action remains inadequate**. Activities such as widespread fossil fuel combustion, [pollution](#) through plastics and fertilizers in terrestrial and aquatic environments, and the loss of species collectively indicate a new geological epoch known as the **Anthropocene**.

- **Expanding Global Recognition and Legal Action: Ecocide is already considered a crime in 11 countries, with 27 more contemplating similar legislation.**
  - Ecocide laws can also serve as powerful calls for justice, **especially for low- and middle-**

**income countries** bearing the brunt of extreme weather events.

- Small nations like **Vanuatu and Barbuda** are urging the ICC to **classify environmental crimes as international law violations**.

## What are the Arguments Against Criminalising Ecocide?

- **Development vs. Environmental Protection:** One key argument against criminalizing ecocide revolves around the **tension between development and environmental protection**.
  - Critics argue that defining ecocide may inadvertently pit development goals against environmental conservation.
  - For instance, the [Great Nicobar Project in India](#) faced criticism for potentially harming indigenous communities and biodiversity, **while the government defended it as an initiative for "holistic development."**
- **Interference with Sovereignty:** Some argue that criminalizing ecocide may infringe upon a nation's sovereignty.
  - Countries may view such laws as **encroachments on their ability to manage their own environmental policies and resources**, leading to resistance or non-compliance.
- **Chilling Effect on Scientific Research:** Scientists and researchers could be **deterred from conducting studies that involve environmental manipulation or experimentation** due to the fear of potential legal repercussions.
  - This could impede scientific progress and understanding of complex **ecological systems**.
- **Efficacy and Enforcement Challenges:** Critics question the **effectiveness of criminalizing ecocide** in deterring environmental harm.
  - They argue that **existing environmental regulations, when enforced rigorously, can be more effective** than creating a new criminal framework that may be challenging to enforce.

## Way Forward

- **Environmental Protection as a Fundamental Imperative:** Whether ecocide is criminalized or not, the **paramount objective should always be the protection and preservation of the environment**.
- **Ecological Restoration Bonds:** There is a need to introduce the **concept of ecological restoration bonds**.
  - Companies involved in projects with significant environmental impact could be required to **purchase these bonds as part of their licensing or permitting process**.
  - The funds from these bonds would be earmarked for ecological restoration in case of environmental harm, ensuring that the cost of restoration is borne by the responsible parties.
- **Mandatory Environmental Education:** There is a need to implement mandatory **environmental education in schools and universities** to raise awareness about environmental rights and responsibilities.
- This education would empower citizens to advocate for the environment and engage in discussions surrounding ecocide.

## UPSC Civil Services Examination Previous Year Question (PYQ)

### Prelims

**Q. Consider the following statements: (2019)**

**The Environment Protection Act, 1986 empowers the Government of India to**

1. state the requirement of public participation in the process of environmental protection, and the procedure and manner in which it is sought
2. lay down the standards for emission or discharge of environmental pollutants from various sources

**Which of the statements given above is/are correct?**

**(a) 1 only**

(b) 2 only

(c) Both 1 and 2

(d) Neither 1 nor 2

**Ans: (b)**

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### **Mains**

**Q1.** Environmental Impact Assessment studies are increasingly undertaken before a project is cleared by the Government. Discuss the environmental impacts of coal-fired thermal plants located at coal pitheads. **(2014)**

**Q2.** How does the draft Environment Impact Assessment (EIA) Notification, 2020 differ from the existing EIA Notification, 2006? **(2020)**

**Q3.** The most significant achievement of modern law in India is the constitutionalization of environmental problems by the Supreme Court. Discuss this statement with the help of relevant case laws. **(2022)**

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