

Does The Contemporary Environmental Legislation Necessitates Ecocide as A Core Crime?

Bhabya Prit Panda¹

Abstract

Industrial and economic growth have always been a fundamental focus of nations all around, for which exploitation of natural environment to a reasonable extent is corollary. However in recent times this exploitation of the natural environment at times of peace to amass the most wealth and during conflict to achieve excessive military advantage, has reached to a state of such gravity as to be of significant concern to humankind. The national courts aren't able to effectively tackle the issue of these environmental crimes. The recent proposal to adopt 'Ecocide' as a core crime under International Criminal Court has been earnestly discussed among policy makers. This paper in Part A, gives an overview of environmental crimes with a few examples and discusses various reasons for the failure of national legislation to tackle such issues. In Part B, it delves into the history of environmental crimes under international law and discusses lacunae in the contemporary environmental regime. In Part C, the paper goes through the proposal of the independent expert panel, followed by Part D discussing the various challenges to adoption of the said proposal. Lastly the author concludes in favor of adoption of the Ecocide Law.

Keywords: *Environmental crimes; Ecocide; International Criminal Court; Rome Statute; Stop Ecocide Foundation.*

Introduction

In the past century, industrial and economic growth have always been at the forefront, environmental exploitation to a certain degree is corollary to such growth. However due to such continued exploitation of the environment throughout ages, the consequences have become an imminent threat not only to wildlife but in addition to peace and security of mankind², meaning to the whole of ecosystems.³ Environmental crimes are any such act of damaging the natural environment with reckless disregard to the consequences. The present situation indicates that the environment, which encompasses the "habitat, standard of living, and overall well-being of people, including future generations," is under constant peril. These hazards arise not only during armed conflicts but also during times of peace. Examples of peacetime threats to the environment include excessive carbon dioxide emissions, deforestation, pollution that contaminates natural resources, the unsustainable extraction of natural resources, and the dumping of hazardous waste into bodies of water.

Though national environmental regimes have standards to check and prevent over-exploitation of the natural environment so as to prevent drastic changes in climate and the environment, they fail to effectively tackle environmental issues. The main reasons for such failure are i) Lack of

¹ Law Student, Birla Global University.

² INTERPOL-UNEP, *Strategic Report: Environment, Peace and Security – A Convergence of Threats* (2016).

³ C. Nellemann et al., *The Rise of Environmental Crime – A Growing Threat To Natural Resources, Peace, Development And Security*, A UNEP-INTERPOL Rapid Response Assessment (2016), 17.

political will: Some governments may not prioritize environmental issues, over economic and political interest, making it difficult to pass or enforce laws that would effectively address them; ii) Weak regulations: Some laws may not be strict enough to effectively reduce pollution or protect natural resources, where mainly corporates, find means to work around the law and continue to exploit the environment to gain maximum profits; iii) Limited enforcement: Even if laws are in place, they may not be enforced consistently or effectively.

Especially in the developing countries, the MNC's exploit the resources and degrade the environment to such an extent so as to affect severely the flora, fauna and livelihood of the local population. For example, from 2011 to 2017, the oil company 'Shell' allegedly spilled 17.5 million liters of oil into the Niger Delta,⁴ and pollution from its gas flaring practice reduced the average life expectancy in the region to 41 years.⁵ The collapse of the Fundão tailings dam in Brazil in 2015, allegedly due to the companies' reckless failure to take preventive measures,⁶ also unleashed 60 billion liters of toxic mud waste into nearby regions.⁷ Further there are allegations against Nestle for child labor, drainage of pollutants into the rivers.⁸ The developing countries and the third world nations due to their economic and political interest do not raise their voice against these atrocities met to their citizens and exploitation of the environment which causes irreversible loss. As there always be political and economic interest attached to these processes, evil corporations and perpetrators will always find a way to stay immune from prosecution.

Many commentators and legal luminaries from around the world, believe criminalizing these harmful activities can serve as a deterrent to others from committing similar crimes and can also help to hold accountable those individuals or organizations responsible for environmental damage. Again, this idea to criminalize such environmentally harmful acts is surrounded with skepticism, due the fact, that political unwillingness to prosecute such crimes for the larger economic interest, will vitiate the criminal enforcement.

Due to the egregious environmental impacts of these continued ecocidal behavior, which the national courts have failed to effectively address, the environmentalists, academicians and activists have urged the transition of ecocide to international criminal law. Additionally,

⁴ Amnesty International, *Niger Delta Negligence: How 3500 activists are taking on two oil giants* <<https://www.amnesty.org/en/latest/news/2018/03/niger-delta-oil-spills-decoders/>>.

⁵ Méliissa Godin, *Lawyers Are Working to Put "Ecocide" on Par with War Crimes. Could an International Law Hold Major Polluters to Account?* <<https://time.com/5940759/ecocide-law-environment-destruction-icc/>>.

⁶ Dom Phillips and Davilson Brasileiro, *Brazil dam disaster: firm knew of potential impact months in advance* *The Guardian* (Rio de Janeiro and Ponte Nova, 1 March 2018) <<https://www.theguardian.com/world/2018/feb/28/brazil-dam-collapse-samarco-fundao-mining>>.

⁷ Keila McFarland Dias, *Environmental Destruction, Business and Human Rights* (For The Climate EU, 26 April 2021) <<https://fortheclimate.eu/blog/environmental-destruction-business-and-human-rights/>>.

⁸ Available at <https://oursantaferiver.org/nestle-the-worlds-most-corrupt-corporation/>. Also read <https://amp.theguardian.com/global-development/2021/feb/12/mars-nestle-and-hershey-to-face-landmark-child-slavery-lawsuit-in-us>.

criminalization of ecocide is instrumentally justified, as the scale of these environmental tragedies calls for a stronger deterrent effect that international criminal law can provide.⁹

History of environmental crimes under international law

Environmental crime is not a new concept in international criminal law. The term ‘Ecocide’ was first used in 1970, by Professor Arthur W. Galston¹⁰ during a discussion on the effects of the use of Agent Orange by the United States in Vietnam. An year later, Professor Richard Falk at Princeton University was the first to formally propose the crime of ecocide.¹¹ Subsequently, ‘Ecocide’ was considered as an ‘International Crime’ in early drafts of the Rome Statute of the International Criminal Court (ICC), in addition to the international crimes prosecuted at the Nuremburg trials (war crimes, genocide, crimes against humanity), however was later excluded.¹² Environmental crime, remained however, as an international crime in the context of war crimes only.¹³

This resulted in formulation of Article 8(2)(b)(iv) as a war crime, which applies only to situations of international armed conflict. It is defined as, *intentional launching of an attack in the knowledge* that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or *widespread, long-term and severe damage to the natural environment* which would be *clearly excessive* in relation to the concrete and direct overall military advantage anticipated.¹⁴

The war crime of intentionally damaging the natural environment requires an intentional attack with knowledge that it is to cause widespread, long-term and severe damage to the natural environment conjunctively. It further requires the damage to be not just excessive but ‘clearly’ excessive in relation to the concrete and direct military advantage anticipated, adding another layer of burden for the prosecution to prove. Moreover, it is germane to note that the drafters specifically rejected the idea that the excessiveness of an attack should be determined by the Court “from the perspective of the reasonable commander”¹⁵, but is to be assessed from the circumstances as it appeared to the defendant at the time of the attack. Hence if the defendant

⁹ See Christian Almer and Timo Goeschl, *Environmental Crime and Punishment: Empirical Evidence from the German Penal Code* (2010) 86 Land Economics 707, 718; Benjamin J. Appel, ‘In the Shadow of the International Criminal Court: Does the ICC Deter Human Rights Violations?’ (2018) 62 Journal of Conflict Resolution 3, 19.

¹⁰ Ecocide Law, History, available at <<https://ecocidelaw.com/history/>>.

¹¹ *Id.*

¹² The ILC Draft Code is reduced to four crimes (the same four that are presently found in the Rome Statute: aggression, genocide, crimes against humanity, and war crimes). The ILC Chairman Ahmed Mahiou unilaterally decides to remove the environmental crimes as a separate provision. With this option excluded, the Drafting Committee instead votes on whether to include environmental damage within the context of ‘war crimes’ or to include it under ‘crimes against humanity’. See 1996: The ILC rejects the independent crime of ecocide under Article 26 of the Draft Code, *ibid.*

¹³ *Id.*

¹⁴ See, Article 8(2)(b)(iv) of Rome Statute.

¹⁵ KNUT DORMANN, ELEMENTS OF WAR CRIMES UNDER THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT: SOURCES AND COMMENTARY at 164 (2003) (suggesting that the Article is based on Protocol I).

believed at the time of carrying on an attack, that it wasn't excessive to the military advantage anticipated, the court then loses its discretion to determine attack's excessiveness even if it would be apparent for a reasonable commander carrying out such attack as to its excessiveness. Further the terms widespread, long-term and severe haven't been defined in the statute. While there is presence of some definitions in the travaux preparatoire of the Geneva conventions and their additional protocols, which are Rome statute's exegetical source, as war crimes are grave breaches of Geneva conventions itself.¹⁶ Long-term is defined to be lasting decades.¹⁷ Whereas widespread is defined as several hundred square kilometers¹⁸ and long-term as decades rather than months.¹⁹

Though there exists an express provision to protect the natural environment under the Rome Statute, the seemingly high objective and subjective requirements to attract prosecution under the provision, coupled with inconsistent and convoluted definitions have left article 8(2)(b)(iv) to be a matter of *res integra*. Even the most horrendous attacks on the environment that have grave impacts on humanity and ecosystem, including usage of weapons of mass destruction, have not been able to reach the minimum threshold to attract prosecution under article 8(2)(b)(iv), which raises a significant concern. Moreover, the environmental crimes under Rome statute don't even address environmental crimes committed during peacetime.

Due to the failure of the ICC to successfully prosecute environmentally harmful conduct, serious concern was witnessed from the international community, to which in 2016, the Office of the Prosecutor (OTP) of the International Criminal Court (ICC) released a policy paper regarding the selection and prioritization of cases. According to the paper, the OTP will give special attention to prosecuting crimes that fall under the Rome Statute and involve the destruction of the environment, illegal exploitation of natural resources, or illegal dispossession of land.²⁰ This paper did not create any new legal jurisdiction for the ICC²¹, but simply outlined the factors that the Prosecutor will consider when choosing which cases to pursue. However there has been no prosecution in ICC for environmental crimes to this day nor any overt discussions for policy change of environmental crimes have taken place.

Despite significant progress, the inadequacies of current international environmental governance are widely acknowledged.²² Although there exist laws on a national and global scale that aim to

¹⁶ See Article 8(2)(a), Rome statute.

¹⁷ Report of Committee III, Second Session (CDDH/215/Rev.1; XV, 263), in H.S.LEVIE, 2 PROTECTION OF WAR VICTIMS: PROTOCOL I TO THE 1949 GENEVA CONVENTIONS 276 (1980).

¹⁸ P. Higgins, *Eradicating ecocide. Laws and governance to prevent the destruction of our planet*, 2nd ed. (2015), 64.

¹⁹ Report of the Secretary-General on the protection of the environment in times of armed conflict, UN Decade of International Law, UN Doc A/48/269, 29 July 1993, 7, para. 34.

²⁰ OTP, Policy Paper on Case Selection and Prioritisation (2016), available at https://www.icc-cpi.int/itemsDocuments/20160915_OTP-Policy_Case-Selection_Eng.pdf.

²¹ R. Pereira, 'After the ICC Office of the Prosecutor's 2016 Policy Paper on Case Selection and Prioritisation – Towards an International Crime of Ecocide?', 31 *Criminal Law Forum* (2020) 2, 179, 208; On the impact of the Policy Paper on the ICC's jurisdiction, see in detail Mistura, 215-220.

²² Report of the UN Secretary-General on 'Gaps in international environmental law and environment-related towards a global pact for the environment, 30 November 2018, UN Doc A/73/419.

protect the natural systems that are crucial for our well-being, it is evident that these laws are not sufficient and need further enhancement.²³

The author believes that to bring this effect expeditiously and effectively, the recent proposal by an Independent Expert Panel to amend Rome Statute's Article 8(2)(b)(iv) which aims at introducing ecocide as fifth international crime under ICC, is portentous.

Independent expert panel's proposal for ecocide

The Independent expert panel convened by Stop Ecocide Foundation, comprising of 12 lawyers from around the world have proposed to include ecocide as the fifth international crime under article 5 of the Rome statute, among the present²⁴,

- i) The crime of genocide
- ii) Crimes against humanity.
- iii) War crimes; and
- iv) The crime of aggression.

It recommends the addition of article 8 ter as crime of ecocide to the Rome Statute.

8 ter: Ecocide, defined 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”.²⁵

Possible examples of ecocidal conduct include oil spills, mass deforestation, chemical disasters, and radioactive contamination, as suggested by the Stop Ecocide Foundation.²⁶

In the proposed definition, the conjunctive threshold is mitigated and only requires either widespread or long-term damage in addition to severe damage to the environment, compared to severe, long term and widespread damage co-jointly as under article 8(2)(b)(iv).

The inclusion of the term wanton will cover within its ambit reckless attacks with utter disregard to the consequences or *dolus eventualis*. Severe is proposed to be defined as “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”.²⁷ This definition is wide enough to reasonably appeal to almost every act adversely affecting the environment.

²³

<https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6dt60d1e6e604fae2201d03407f/1624368879048/SE+Foundation+Commentary+and+core+text+rev+6.pdf>, page 1.

²⁴ See, Article 5(1) of Rome Statute.

²⁵ *Id.*, page 5.

²⁶ Stop Ecocide Foundation, ‘What is Ecocide?’ <<https://www.stopecocide.earth/what-is-ecocide>>.

²⁷ *Id.*

Wide spread is proposed as “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”.²⁸ While Long-term is proposed as “damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time”.²⁹

It is also pertinent to note that these proposed amendments are in consonance with article 9(3)³⁰ of the statute, wherein the proposed amendments are consistent with that of the statute.

The Ecocide law as proposed by the IEP has gained remarkable support in recent times. As Jojo Mehta, Founder and Director of ‘Stop Ecocide International’ states, “There is no environmental campaign in the world that is not supportive of having Ecocide law in place”.

This proposal has rectified every possible loophole in the contemporary environmental regime and has been drafted keeping in mind every facet of environmental protection, where if amended as proposed, ICC can start attributing criminal liability for ecocide in just a few years. This ought to bring global condemnation to such environmentally harmful acts and augment environmental safekeeping.

Though the recommendations absolve the issue of high threshold of the contemporary legislation and makes ecocide a feasible and indictable crime, the amendment to this effect in the Rome statute isn’t an easy affair. In the next section, the paper discusses the challenges that will be faced to amend the statute.

Challenges to adopt ecocide as the fifth international crime under Rome statute

Ecocides are majorly committed by corporations³¹, but with regards to article 25(1), the ICC only possesses jurisdiction over natural persons. However, it is not as big of an impediment as its prima facie may seem. The corporate executives or any person(s) liable for ecocide can be criminally prosecuted in addition to fine or forfeiture in accordance with article 77(2)³², which will send strong message to the corporations involved in such ecocidal conduct to change their course of practice of exploiting the environment and result in severe condemnation to such corporation globally.

The biggest hindrance in establishing ecocide under Rome statute is its rigid amendment procedure. According to Article 121(3) of the Rome Statute, an amendment to the statute so as to add ‘Ecocide’ as an offence of international concern to the ICC, will require the proposal to

²⁸ *Id.*

²⁹ *Id.*

³⁰ The Elements of Crimes and amendments thereto shall be consistent with this Statute.

³¹ Juliette Jowit, ‘World’s top firms cause \$2.2tn of environmental damage, report estimates’ *The Guardian* (18 February 2010) <<https://www.theguardian.com/environment/2010/feb/18/worlds-top-firms-environmental-damage>.

³² See, Article 77(Applicable penalties), in addition to imprisonment, the Court may order fine and forfeiture.

be adopted by a two-thirds majority of States parties, i.e. 82 out of 123 member states.³³ Professor Philippe Sands of the IEP estimated that the amendment of the Rome Statute would take 'somewhere between five and fifty years'.³⁴ As discussed earlier, states for their economic and political interest would not be willing to refer the proposed amendment nor accept the proposed amendment. The developed states could even pressurize interested states to refrain from accepting the proposed amendment, as it would result in huge loss in economy for that developed nation, where such corporations belong to.

The ICC works on complementarity basis, which means that the ICC complements the national courts and can only start investigation and trial when the state having jurisdiction is unwilling or unable to genuinely carry out investigation of prosecution.³⁵ Once Ecocide is adopted as an international crime under ICC, the state parties accepting the amendment, will have to adopt national legislations on the same. Hence even if due to political unwillingness they abstain from genuinely investigating or prosecuting environmental crimes, principle of complementarity will allow the ICC to take up the investigation and prosecute such crimes.

The mission of the ICC is largely to address serious humanitarian atrocities. For example, its preamble highlights the large number of human victims of egregious atrocities and the importance of protecting the 'delicate mosaic' of human unity.³⁶ For this reason it is seen with skepticism that an eco-centric law such as ecocide can flourish under the ICC, which emphasizes on anthropocentrism. Although many don't realize the impact which criminalization of ecocide will bring forth, despite the less number of prosecutions for ecocide that is anticipated initially, the effect around the globe is to be largely affirmative. The reprehension that will be attached to even a single criminal prosecution under ICC for ecocide, is ought to bring seminal changes in corporate policies and individual conduct, during both peace and times of conflict. It is also to be realized that humans are an integral part of the environment and the interaction between the environment and humans and other living beings such as animals, plants and micro-organisms is what we call ecosystem. Therefore, there will always be roots of anthropogeny attached to ecocide and it cannot hence be a purely eco-centric law. Ecocide law aims at entailing protection to the natural environment and makes us all aware in a firmer sense that the damage to flora and fauna in itself can have grave consequences to the ecosystem, hence deserves to be reprehended equally with or without direct human loss of life.

Some commentators believe that establishment of a new tribunal to adjudicate matters of ecocide might be a more feasible idea to work upon. Though in reality, it would be significantly costlier to establish a new tribunal and its up keeping. On top of which getting significant number of

³³ International Criminal Court, 'The States Parties to the Rome Statute' <https://asp.icc-cpi.int/en_menus/asp/states%20parties/pages/the%20states%20parties%20to%20the%20rome%20statute.aspx>.

³⁴ Donna Minha, 'The Proposed Definition of the Crime of Ecocide: An Important Step Forward, but Can Our Planet Wait?' (*EJIL:Talk!*, 1 July 2021) <<https://www.ejiltalk.org/the-proposed-definition-of-the-crime-of-ecocide-an-important-step-forward-but-can-our-planet-wait/>>.

³⁵ See, Article 17(1)(a).

³⁶ See, preamble to the Rome statute.

ratifications, considering the factors of economic and political interest in states is highly unlikely. Indeed, there has already been recorded interest in internationally criminalizing ecocide from some island nations and European States, such as Vanuatu, the Maldives, France, Belgium, Finland, Spain and Luxembourg.³⁷ Out of this early interested group of nations, 5 countries are also the member states of the Rome Statute. Henceforth, to meet the need of the hour and criminalize ecocide as an international crime, the Rome Statute is better suited and supposedly can adapt to these requirements expeditiously than any other alternative.

Conclusion

Due to recent developments in the field of environmental studies, awareness of environmental degradation and its catastrophic consequences due to continued ecocidal activities and exploitation were evinced. This has led to strong voices being raised against environmental crimes, which the contemporary legislation has failed to address to a reasonable extent, due to multitude of reasons as discussed. At present, environmental crimes have become an imminent threat to human kind due to their scale and gravity, requiring stringent condemnation. This can only be accomplished by placing it among the most serious crimes of human concern.

Considering the insufficiencies in current international criminal regime under Rome Statute for the protection of the environment, where Rome Statute's Article 8(2)(b)(iv) remains a matter of *res integra* amounting to its high and unfeasible threshold, that can barely be achieved by modern day attacks, the merits of a new crime of ecocide is apparent.³⁸ The august body known as 'International Criminal Court' has amassed a wealth of experience in the intricate field of international criminal prosecution, rendering it a formidable force to be reckoned with. The incorporation of Ecocide within the framework of Rome Statute as a result will undoubtedly reap great benefits. 'Ecocide' on being the fifth core crime of international concern will thereby, be equipped it with a well-developed enforcement machinery, furthermore, would automatically be put on equal footing with the existing international crimes.³⁹ An amendment to the Rome Statute to include ecocide as a crime would not be a straightforward task and will likely face considerable opposition and debate from various States.⁴⁰

Conversely, Stop Ecocide Foundation, believes that adoption of ecocide among the most serious crimes under Rome statute could be possibly as early as 2025-26.⁴¹ The 'Stop Ecocide foundation' believes that the process to concretize 'Ecocide' as a crime under ICC may take between from 2 to 7 years in toto. However, this process has already begun, as in December

³⁷ Stop Ecocide Foundation, 'European Parliament Votes to Take Ecocide Law Seriously' (*Stop Ecocide Foundation*, 21 May 2021) <<https://www.stopecocide.earth/press-releases-summary/european-parliament-votes-to-take-ecocide-law-seriously>>.

³⁸ Rome Statute, Art. 69; ICC Rules of Procedure and Evidence, ICC-ASP/1/3 and Corr. 1, 3-10 September 2002, Rules 63-75.

³⁹ https://www.gojil.eu/issues/111/BustamiHecken_Final.pdf, 44-45.

⁴⁰ T. Smith, 'Creating a Framework for the Prosecution of Environmental Crimes in International Criminal Law', in W. A. Schabas, Y. McDermott & N. HaHayes (eds), *The Ashgate Research Companion to International Criminal Law* (2013), 62.

⁴¹ Available at <https://www.stopecocide.earth/faqs-ecocide-the-law>.

2019, two sovereign states namely Republic of Vanuatu and the Republic of Maldives had called for serious consideration of an ecocide amendment to the Rome Statute and now there are at least 24 ICC member states discussing it at parliamentary and/or government level, with interested parliamentarians in dozens of countries around the world. Interest and enthusiasm for 'Ecocide' for is growing at an enormous pace, whereby the foundation anticipates its adoption as early as 2025-6,⁴² as stated by the foundation.

In assembly of state parties of the Rome Statute which in accordance with article 112 of the Rome Statute, the Assembly of States Parties meet at the seat of Court in The Hague or at the United Nations Headquarters in New York once a year (generally in December), where the state parties establish the budget, elect judges and prosecutors, more importantly amend the laws and procedures and conducts other activities consistent with the Rome Statute.⁴³ Recently in 2022 Belgium, New Zealand, Finland, Panama, Vanuatu, Australia and Kenya have strongly voiced for ecocide and emphasized on its need, moreover willing to take every effort to introduce Ecocide into the Rome statute.⁴⁴ The year 2022 has shown overwhelming awareness among masses on Ecocide and its impacts on biodiversity and response for the addition of Ecocide law among the most serious offences. It is hoped that the Assembly of State Parties in 2023 shows an even greater response leading to a expeditious adoption of Ecocide Law.

Despite the existence of many international agreements, codes of conduct, UN Resolutions, Treaties, Conventions, Protocols etc., environmental harm is escalating rapidly year after year. The devastating gravity of ecocide places it as a primal concern to humanity and biodiversity. Recognizing and adopting 'Ecocide' as per the recommendations of the Independent Expert Panel as one of most serious crimes of international concern and placing it among Crimes against humanity, War crimes, crime of genocide and crime of aggression is instrumentally justified⁴⁵ and is consistent with Article 1⁴⁶ of the Rome Statute. By criminalizing 'Ecocide' at International level, a new ethical standard would be established, making any action that results in the widespread harm or destruction of natural ecosystems morally unacceptable.⁴⁷ The reverberations of such a move would be felt not only at the international level, but also at the national level, as state parties as well as other nations would be inspired to adopt similar legislation in their respective jurisdictions. This will bring a transformative shift in corporate and societal attitudes and values towards environmental protection, resulting in a renewed sense of responsibility and accountability for safeguarding our precious natural world.

⁴² *Id.*

⁴³ Available at <https://www.aba-icc.org/about-the-icc/structure-of-the-icc/>.

⁴⁴ Available at <https://www.stopecocide.earth/leading-states>.

⁴⁵ *Supra note*,11.

⁴⁶ See, Article 1 of Rome Statute, An International Criminal Court ("the Court") is hereby established. It shall be a permanent institution and shall have the power to exercise its jurisdiction over persons for the most serious crimes of international concern, as referred to in this Statute, and shall be complementary to national criminal jurisdictions.

⁴⁷ <https://www.stopecocide.earth/faqs-ecocide-the-law>.

The ICC's preambular mission to recognise grave crimes that threaten the peace, security and well-being of the world, to affirm that the most serious crimes of concern to the international community must not go unpunished and that their effective prosecution must be ensured by taking measures at the national level and by enhancing international cooperation⁴⁸, justifies the adoption of Ecocide. With the adoption of Ecocide as a core crime, the ICC ought to become the most comprehensive court in the field of criminal justice.

⁴⁸ See, Preamble of the Rome Statute.