

By Tanya Sanerib

From [The Hill](#) | Original Article

As we face the urgent crises of climate and extinction, we need every tool available — including the law — to fight for life on Earth. By identifying “ecocide” as a prosecutable crime, as a panel of 12 lawyers recently proposed to the International Criminal Court, we can set up a practical framework for tackling these emergencies. The legal panel [defined ecocide](#) 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.” It’s launching a [global campaign](#) to list ecocide as an international crime. Currently, the court can prosecute four crimes: war crimes, crimes against humanity, genocide and the crime of aggression. Ecocide would be the fifth.

The term “ecocide” was coined by bioethicist Arthur Galston in the 1970s to refer to intentional destruction of a specific environment. It was inspired by the U.S. use of the toxic herbicide Agent Orange in the Vietnam War and is now used more broadly to refer to a wide range of environmentally destructive behaviors.

Extractive industries and their enablers are the root cause of the biodiversity and climate emergencies that are becoming, every season and every year, more extreme and more glaringly obvious. The recent Pacific Northwest heat dome, for instance, resulted in [mass deaths of mussels, clams, sea stars and snails in British Columbia](#)

. It’s still unknown exactly how many heat-related animal deaths occurred, but it’s [estimated](#) at least 99 people in the United States and potentially “hundreds” more in British Columbia perished. Yet, with the death tolls mounting, the short- and long-term consequences of breaking all previous heat records in the first month of summer remain unknown.

The deforestation of the Amazon rainforest, a global biodiversity hotspot, is another example of

ecocide. The world's largest rainforest is no longer able to absorb carbon dioxide from the atmosphere as it once did because of deforestation. In fact, a new [study](#) shows that decades of logging, burning, mining and development have turned the Amazon Basin into a net source of greenhouse gas emissions.

As it stands now, the ICC can use the “crimes against humanity” classification to prosecute for ecocide. But we need to move away from the Western notion of human separateness and superiority over nature by listing ecocide in its own right: Crimes against nature are also crimes against people. It's past time to reframe our exploitative relationship with the natural world, see that world clearly as our life-support system — and realize that biodiversity loss and climate change are equally vast threats to our collective life — problems that need to be solved together.

Last month, biodiversity and climate scientists gathering under the auspices of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) and the Intergovernmental Panel on Climate Change released a report ascribing both crises to human activity and calling for a connected, transformative response.

This panel of lawyers' call to the ICC to recognize ecocide could be a driving force for change. It could spur removal of funding and subsidies for natural resource destruction and fossil fuel extraction, for starters.

The climate and extinction crises we're faced with demand a language and legal ethos that match the urgency of the situation. We've watched crimes waged against the Earth for decades now, and many of us are still in shock and denial.

But as climate and biodiversity scientists are uniting to stress the need for rapid paradigm shifts and widespread change, lawyers have now taken the first step toward facing incomprehensible atrocities by acknowledging and recognizing them — and calling for accountability.

The ICC can help achieve both those goals by classifying ecocide as a prosecutable crime.

[Tanya Sanerib](#) is the international legal director at the Center for Biological Diversity.

Extra