



## Pesticide newsletter

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### Civil Society Activities



#### **Experts propose a historical definition of ecocide**

A committee of international experts, chaired by lawyer Philippe Sands (United Kingdom), and former United Nations prosecutor Dior Fall Sow (Senegal), who was also one of the five judges of the [International Monsanto Tribunal](#), proposed [a definition of the crime of ecocide](#) on June 22th, 2021. Set up by the Stop Ecocide Foundation, following a request from Swedish parliamentarians, the group worked for six months on the concept, with expert discussions and public consultations. According to their findings, the crime of ecocide should become the fifth crime under the jurisdiction of the International Criminal Court (ICC). The crime of mass destruction of the environment could then be invoked in international criminal law and the perpetrators prosecuted, as are those of crimes against humanity.

*"There is currently no legal framework for dealing with ecocide at the international level, and thus no system for holding corporate and government decision-makers accountable for environmental damage and abuses such as oil spills, massive*

*deforestation, ocean damage or severe water pollution. The inclusion of ecocide in international law would allow the perpetrators of these acts to be tried before the International Criminal Court or in any jurisdiction that has ratified the Convention", the Stop Ecocide Foundation explains.*

For the group of international experts, the crime of ecocide is understood to be all *"illegal or arbitrary acts committed in the knowledge of the real probability that these acts will cause serious, widespread or lasting damage to the environment"*. Rather than enshrining this principle in a new independent legal text, they recommend adding ecocide to the four crimes already enshrined in the Statutes of Rome, founder of the International Criminal Court. The crime of ecocide would be added to the crimes against humanity, genocide, war and aggression. *"These four crimes focus on the well-being of humans, we must now go beyond human beings and protect the ecosystems and the well-being of the planet"*, Philippe Sands explains.

Some states such as Vanuatu, the Maldives and Belgium have expressed interest in amending the Statutes of Rome. Belgium is also calling for the recognition of the crime of ecocide by the European Parliament. Nevertheless, the threshold of the number of ICC member states necessary for the inclusion of the crime of ecocide is still very far from being reached, since two-thirds of the 123 member states are needed. The road is still long and arduous because most States are very hostile to the concept of ecocide.

Nevertheless, after the Monsanto International Tribunal, whose judges recommended the inclusion of the crime of ecocide in the Statutes of Rome, in particular in relation to the use of Agent Orange in Vietnam and more recently of glyphosate-based herbicides, this definition by international experts is an important step towards its future recognition by the courts.

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