Ecocide and Environmental Accountability - Key Facts

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Why in the News

In the discussion of international accountability for environmental damage, four legal things are often mixed up: the existing crimes of the Rome Statute, the Prosecutor's environmental policy, the ecocide proposal, and the separate convention of the Council of Europe. It is necessary to understand them separately. The Prosecutor's policy of December 2025 describes an approach to investigation under the existing Statute; it does not by itself add a fifth crime.

First Understand: What Is Ecocide?

In general discussion, ecocide is used for environmental destruction that is extremely serious and on a vast scale. Its definitions may differ in different proposals and in the domestic laws of some countries. So it should not be taken as a synonym for every environmental violation, or as a worldwide crime that applies automatically.

Keep Four Arrangements Separate:

Arrangement	What to understand	What not to conclude
The ICC's existing Statute	Defined international crimes and their conditions	Universal jurisdiction over every environmental damage
The Prosecutor's policy	A way of investigating within existing powers	No new crime has been created by it
The ecocide proposal	An initiative to make it a separate crime	Do not treat a proposal as law in force
The Council of Europe convention	A separate treaty for domestic laws and cooperation	Do not call it the ICC's fifth crime

Key Facts

- **Ecocide:** a term for extremely serious and large-scale environmental destruction; at present not a separate fifth crime in the Rome Statute.
- Rome Statute 8(2)(b)(iv): in an international armed conflict, the provision concerns intentionally launching an attack with knowledge that it will cause widespread, long-term and severe environmental damage clearly excessive in relation to the concrete and direct overall military advantage anticipated. The three environmental adjectives alone are not sufficient.
- **Policy versus law:** the Prosecutor's policy of December 2025 is an approach to investigation, not a new crime.
- **Status of the proposal:** Vanuatu's amendment proposal is under discussion; discussion, adoption and coming into effect are separate stages.
- **European convention:** a separate treaty; the condition for entry into force is ten ratifications (at least eight member states).

From the Exam Point of View

For Prelims, remember: the definition of ecocide, the present limit of the Rome Statute, the difference between policy and law, the status of the proposal and the conditions of the European convention. The analysis of the war-crime test, evidence and accountability, and the way forward is in the Mains article (link in the sources below).

Prelims Practice:

Question 1. Consider the following statements in relation to ecocide and international law:

1. The ICC prosecutor's policy can by itself add a new crime to the Rome Statute.
2. Environmental damage can be relevant in the context of existing Rome Statute crimes.
3. The Council of Europe's environment convention and the Rome Statute are separate arrangements.

Which of the above statements are correct?

(a) Only 1 and 2

(b) Only 2 and 3

(c) Only 1 and 3

(d) 1, 2 and 3

See answer and explanation

Answer: (b). The prosecutor's policy does not add a crime to the parent Statute. Environmental damage can connect to existing crimes, while the European convention is a separate treaty.

Sources and Limits

- The ICC's current basic legal framework
- The Prosecutor's policy on environmental damage, December 2025
- Working Group on Amendments: Discussion on Vanuatu's proposal
- Council of Europe: Official details of the environmental convention
- **Limits:** The allegations in any conflict have not been treated as judicial findings in this article. The Prosecutor's policy does not create a new crime. Vanuatu's proposal is not an amendment in force. The Council of Europe convention is not part of the Rome Statute.

The Mains (analysis) article on the same topic: Ecocide and Environmental Accountability