



## International Law and Ecocide

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**Abstract:** This study explores the concept of **ecocide** and its recognition within international law. In light of technological advancements and their widespread destructive impact on the environment, alongside developments in international criminal and environmental law, it is increasingly necessary to analyze ecocide and the responses of the global community. The main research question focuses on clarifying the precise definition of ecocide and tracing the evolution of international approaches to it. In particular, the study examines whether ecocide should be defined from an **anthropocentric** perspective, prioritizing human interests, or an **ecosystem-centric** perspective, prioritizing the integrity of ecological systems. Findings suggest that adopting an ecosystem-centric definition can provide more effective environmental protection. Using a **descriptive-analytical** and library-based methodology, this article also examines the historical development and codification of ecocide to assess its impact on the evolution of international law in this area. The research outcomes may inform the creation of more comprehensive legal frameworks to prevent severe environmental degradation.

**Keywords:** *ecocide, environmental crimes, international criminal law, international environmental law.*

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## Introduction

In recent centuries, alongside the trend toward industrialization, remarkable technological advances, and the expansion of commercial and economic activities, human interference with the natural environment has intensified. Additionally, internal and international conflicts, including wars, have acted as destructive forces, leading to the degradation of ecosystems, natural habitats, water resources, and forest cover. The combination of these factors has elevated environmental protection to one of humanity's central concerns, resulting in the development of new norms and values dedicated to its preservation and care. (Abdallahi, 2007:98)

Despite the recognized importance of environmental protection, ongoing industrial activities and harmful trends continue to threaten the natural world. Such degradation jeopardizes not only human security but also the survival of countless other living beings, making environmental threats a shared global concern. Addressing this challenge requires coordinated and comprehensive responses at the international level.

In response, environmental issues have long been central to the policies of international and regional organizations, with numerous treaties enacted to manage environmental crises and safeguard the planet. However, the environmental crisis persists and continues to expand. In this context, some scholars and legal thinkers have

proposed the **codification (or "Germanization") of ecocide** as a legal framework to strengthen environmental protection. The concept of ecocide has evolved significantly over time, and examining this evolution helps clarify the global community's approach to environmental protection and provides a foundation for more effective future policies.

This study employs a **library-based descriptive-analytical method**. Its content is organized into two main parts:

1. **The Definition of Ecocide and the Necessity of Its Codification (Germanization)**
2. **The Historical Development of Ecocide Legislation and the Perspectives of Lawyers and Policymakers**

### Part One: Definition of Ecocide and the Necessity of Its Germanization

#### Section One: Definition of Ecocide

This section presents both the linguistic and legal-human rights definitions of ecocide.

### Etymology of Ecocide

The term *ecocide* is derived from two roots: the Greek word **oikos**, meaning "house" or "home," and the Latin word **caedere**, meaning

“to destroy” or “to kill.” Thus, the literal meaning is “to destroy a house” (Kalkandelen et al. 2017:334).

In broader legal and environmental contexts, “house” is interpreted as **nature, the environment, land, biomes, or natural resources**, reflecting the essence of what ecocide seeks to protect. Various translations of ecocide exist, including *naturalization*, *denaturation*, *biodegradation*, *biobombicide*, *ecocide*, *bombicide*, *environmental decontamination*, and *debombing*. Among these, the term “**bombazdai**” has been suggested as a concise and clear equivalent (Ra’i Dehqi & Najafi, 2016:145).

To date, there is no universally accepted legal definition of ecocide. However, some jurists have proposed definitions, which can be classified into two main approaches: **anthropocentric** and **ecosystem-centric**. The distinction between these approaches is crucial, as it determines whether environmental harm is viewed primarily as a threat to humans or to the environment itself.

## Discussion Two: Anthropocentric Definition of Ecocide

Anthropocentric definitions of ecocide focus on environmental harm insofar as it affects human beings and human societies. In this perspective, the environment itself is not intrinsically valuable; its importance is derived from its connection to human life and human well-being. Several definitions fall within this category, but one prominent example is provided by Richard E. Falk (Shamlou & Qalipour, 2020:141).

Falk defines ecocide in Article 2 of the *Preamble to the WMD Treaty* as follows:

“For the purposes of this Treaty, ecocide means any of the following acts committed with the intent to cause total or partial destruction or impairment of a human habitat:

**a)** The use of weapons of mass destruction, including nuclear, bacteriological, chemical, and other weapons.  
**b)** The use of chemical herbicides to deforest natural forests for military purposes.

**c)** The use of bombs and artillery in a quantity, intensity, or extent that would damage soil quality or increase the risk of infection of humans, animals, or crops with dangerous diseases.

**d)** The use of destructive equipment to destroy large areas of forest or agricultural land for military purposes.

**e)** The use of technologies designed to increase or decrease rainfall or otherwise modify water and air as a weapon of war.

**f)** The forced displacement of people or animals from their habitual places of residence in order to expedite military or industrial objectives.” (Falk, 1973:21)

Although Falk’s definition was inspired by Article 2 of the *Convention on the Prevention and Punishment of the Crime of Genocide* (1948), there are significant differences in nature and substance between ecocide and genocide, which have led to modifications in both content and scope of the clauses.

According to this anthropocentric approach, the occurrence of any single element from Falk’s list is sufficient to constitute ecocide; it is not necessary for all six elements to occur simultaneously. Another critical point is that, in Falk’s view, ecocide requires **specific intent**—that is, the deliberate intent to disrupt or destroy, in whole or in part, a human habitat (Shamlou & Qalipour, 2020:142).

This definition underscores the human-centered approach, where environmental destruction is legally significant only insofar as it directly affects human life, health, or habitation.

## Third Discussion: Ecosystem-Centric Definition of Ecocide

In the second type of definition, often referred to as the **ecosystem-centric or “ecocide boom” definition**, the focus shifts from human harm to the intrinsic value of ecosystems. In this approach, the realization of ecocide does not depend on whether humans are harmed; rather, the ecosystem itself is the central criterion for evaluation.

One prominent example of this approach is provided by Kamil Tabari. Tabari prefers the more comprehensive and neutral term “**environmental crimes**” instead of ecocide, yet he distinguishes between two related concepts: anthropocentric and ecocentric definitions. Ultimately, he prioritizes the ecocentric perspective. According to Tabari:

“Ecocide means the intentional commission of an act, whether in peacetime or wartime, regardless of the status of that conduct under national law, which results in severe and widespread damage to the natural environment (including, but not limited to, seas, soils, atmosphere, water resources, plants, and living organisms).” (Tabari, 2015–2016:10)

By contrast, the **humanitarian or anthropocentric definition** focuses on harm to humans and defines ecocide as:

“The commission of an act, whether in time of peace or war, without regard to its status under national law, which results in widespread and severe ecological damage that causes injury or death to human populations.” (Tabari, 2015–2016:11)

Several key aspects distinguish the ecosystem-centric approach:

- 1. Peace and war applicability:** The definition explicitly includes acts committed both during peace and wartime, emphasizing that ecological protection is essential at all times.
- 2. Independence from domestic law:** The legal status of ecocide under national laws is considered irrelevant. The international community can independently define and criminalize ecocide, even if some countries object to this recognition.
- 3. Intrinsic value of ecosystems:** Unlike anthropocentric definitions, this approach recognizes that ecosystems themselves hold value beyond their utility to humans, making environmental protection a matter of global concern.

This ecosystem-centric approach reflects a shift in international legal thought toward recognizing the intrinsic importance of nature and environmental integrity, rather than merely protecting human interests.

## Second Statement: The Need for an Independent Criminalization of Ecocide

Currently, in international criminal law, ecocide is recognized primarily as a **war crime**. In some instances, ecocide may also be considered a means or pretext for crimes against humanity or

genocide. However, this limited legal recognition is insufficient, as environmental destruction—such as deforestation—has far-reaching consequences for human communities and countless animal and plant species. Addressing ecocide effectively requires the **cooperation of the entire international community**, a condition that underscores its qualification as an international crime (Nasrassfahani, Raisi, & Arshpour, 2020: 285).

The following discussions highlight the key reasons for criminalizing ecocide as an **independent international crime**:

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#### Discussion 1: The Increasing Scale of Environmental Damage and Its Long-Term Effects

Modern factors such as population growth, technological development, and the intensified exploitation of natural resources have exponentially increased environmental pollution and degradation. These impacts—affecting air, water, and soil—carry profound consequences for both individual and collective human life, including climate change, biodiversity loss, public health risks, security challenges, and economic instability (Farjazadeh, 2019: 61–432).

Environmental harm often results from the use of advanced technologies, producing **irreversible and long-term effects**, many of which remain unknown for years before manifesting further damage. For instance, the Chernobyl nuclear disaster in Ukraine caused radioactive contamination that spread across Europe; 32 years later, its effects were still evident in German soil (Nasrasefhani et al., 2020: 286). The long-term nature of such environmental damage demonstrates the necessity of criminalizing ecocide independently, rather than only as a subsidiary war crime.

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#### Discussion 2: The Distinct Nature of Environmental Crimes

Environmental crimes differ fundamentally from other crimes in terms of their **scope, elements, and victims**. Unlike war crimes or crimes against humanity, where humans are the primary victims, environmental crimes target **nature and ecosystems directly**, with human impacts being secondary or indirect (Najafi, Asfad & Jalalian, 2012: 216). This distinctiveness emphasizes the need for a specific legal framework tailored to the protection of the environment itself.

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#### Discussion 3: Appropriate Response to Gross Violations of Human Rights

Environmental destruction inherently violates **basic human rights**, including the right to life, health, sanitation, and a healthy environment (Nasrasefhani & Raisi, 2017: 102). Given the scope and severity of these violations, criminalizing ecocide solely as a war crime is insufficient. Mere declarations of non-compliance or condemnations by judicial or political bodies cannot adequately protect human dignity or guarantee fundamental rights.

Consequently, ecocide should be recognized as an **independent international crime**, akin to genocide, to provide a more effective preventive and remedial framework (Nasrasefhani et al. 2012: 288).

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#### Discussion 4: Limitations of the ICC Statute

The **Rome Statute of the International Criminal Court (ICC)**, under Article 8, recognizes ecocide only in the context of

**international armed conflict**, requiring three conditions: intent, knowledge of destructive potential, and lack of military necessity (Dörmann, 2003: 161). However, many ecocidal acts occur during **peacetime or non-international armed conflicts**, producing equally severe environmental damage.

The ICC Statute's narrow scope highlights the urgent need to **criminalize ecocide independently**, ensuring that all forms of environmental destruction, regardless of context, fall under international legal scrutiny.

#### Part Two: The Historical Process of Germanization of Ecocide

After understanding the **lexical and legal meaning of ecocide** and its significance for criminalization, this part examines the **actions of the international community** regarding the Germanization of ecocide. Given the critical role of the **International Criminal Court (ICC)** in the development of international criminal law, this section is divided into two parts:

1. Efforts of the international community **before the establishment of the ICC**.
2. Efforts of the international community **after the establishment of the ICC**.

### First Statement: The International Community's Approach to Ecocide before the Establishment of the ICC

Before the ICC, the international community approached ecocide through **two main frameworks: prohibition and Germanization**. Accordingly, the following discussions address each framework separately.

#### Discussion One: Prohibition of Ecocide

The **prohibition of ecocide** involves declaring as a crime the **widespread, long-term, and permanent destruction of ecosystems** and their components, whether occurring in **peacetime or armed conflict**, through international criminal policymaking institutions.

Several international documents have addressed ecocide, explicitly or implicitly, as a prohibited act. These instruments aim to categorize ecocide as an **international offense**, the commission of which can trigger **international responsibility** for subjects of international law. The documents are discussed below.

#### Article 1: Prohibition of Ecocide in the ENMOD Treaty (1976)

The **United Nations Convention on the Prohibition of Military or Other Hostile Uses of Environmental Modification Techniques (ENMOD, 1976)** represents a key early step in the international recognition of ecocide. This treaty was largely motivated by the environmental modification techniques observed during the Vietnam War.

#### Article 1 of the ENMOD Convention states:

“All States Parties to this Treaty undertake not to engage in any military or hostile operations, in any manner whatsoever, in environmental modification techniques that have widespread, long-term or severe effects, with the aim of destroying, damaging, or harming any other State Party.”

This document marked the **first binding international effort** to prohibit actions causing significant environmental harm, framing them as contrary to fundamental values and norms of international relations.

However, the ENMOD Treaty primarily focused on **military and hostile uses of the environment**, not peaceful or civilian applications. Its primary function was to declare such acts as **international offenses** that could trigger state responsibility, either under treaty obligations or customary international law.

Notably, the ENMOD Convention considered the presence of **any one of the three characteristics—extent, severity, or permanence—sufficient** to constitute ecocide. Simultaneous fulfillment of all three criteria was **not mandatory**, unlike other international instruments that require all three for the realization of ecocide.

Despite its significance, the Convention has faced criticism for **lacking precise definitions** of “harm” and of the three qualifying characteristics—widespread, long-term, and lasting effects (Galipour & Mehra, 2020: 50).

## Article Two: Prohibition of Ecocide in International Humanitarian Law

Alongside the prohibition of ecocide in the ENMOD Convention, the international community **took additional steps through international humanitarian law (IHL)** to protect the environment during armed conflicts. These measures expanded the **scope of humanitarian law** to include environmental protection.

A key development in this regard was the adoption of the **First Additional Protocol (1977) to the Four Geneva Conventions (1949)**, which, for the first time in international law, explicitly placed the environment under the protection of humanitarian law.

## Article 35: Methods and Means of Warfare

Article 35, paragraph 3, states:

“The use of methods and means of warfare which are intended to cause serious, widespread and lasting damage to the natural environment or are likely to have such effects is prohibited.”

This article, based on an **ecosystem approach**, prohibited:

1. Methods of warfare (primary prevention) and
2. Means of warfare (secondary prevention)

That could lead to **widespread and irreversible environmental damage**. Importantly, the article includes **both definite and foreseeable damage**, thereby broadening the scope of environmental protection.

Notably, **military necessity is not cited** as a justification, meaning commanders cannot initiate ecocide under the pretext of operational needs (Ra’i Dehqi & Najafi, 2016:144).

## Article 55: Protection of the Environment in Armed Conflict

Article 55 emphasizes **environmental precautions and the protection of civilians**, stating:

1. “In time of war, care must be taken to protect the environment from widespread, long-term and severe damage.”
2. Attacks on the environment as a **means of retaliation** are prohibited.

This article prohibits the use of warfare methods or means **designed to cause, or likely to cause, environmental harm** that would **adversely affect civilian health or survival**.

## Evaluation of Articles 35 and 55

- These provisions **formalized the first standards of environmental humanitarian law** (“green” standards) in contemporary international law.
- Unlike the ENMOD Convention, which required the fulfillment of **any one** of the three conditions—widespread, severe, or long-lasting—for ecocide to occur, **Articles 35 and 55 require all three conditions to be met simultaneously**. This makes enforcement more difficult and reduces the level of protection in practice.
- The articles **do not provide precise definitions** of “widespread,” “severe,” or “long-lasting,” leaving their interpretation open and potentially limiting their effectiveness.
- The Protocol does not **criminalize violations** of Articles 35 and 55 as grave breaches, unlike other IHL provisions, which limits accountability (Lawrence et al. 2007:11).

## Conclusion of the part:

Although the international community **did not criminalize ecocide** during this period, the **inclusion of environmental protection in humanitarian law** represents a significant step toward safeguarding ecosystems.

- The **prohibition of ecocide** laid the foundation for its eventual **Germanization** in modern international law (Qalipour & Mehra, 2020:53).
- Several instruments drafted to criminalize ecocide—though some never advanced beyond preliminary stages—**contributed to customary international law** and influenced the development of future criminalization frameworks, signaling a growing commitment to **treat ecocide as a crime against humanity**.

## Part Two: Historical Process of Germanization of Ecocide Section One:

### The International Community’s Approach to Ecocide before the ICC

Before the establishment of the **International Criminal Court (ICC)**, the international community’s approach to ecocide consisted of two main paths: **prohibition** and **Germanization**. While prohibition aimed to forbid ecocide as an undesirable act, Germanization sought to recognize it as an **international crime** subject to prosecution and punishment.

## Article 1: The Statutes of the International Military Tribunals of Nuremberg (1945) and Tokyo (1946)

The **Nuremberg and Tokyo Tribunals**, established by the Allied powers after World War II, were tasked with prosecuting three categories of crimes:

1. Crimes against peace (territorial aggression)
2. Crimes against humanity
3. War crimes (Katie Schiazari, 2004:42-50).

A review of these statutes shows that **genocide was not explicitly mentioned**, and the only reference related to ecocide appears in **Article 6**, which classified as war crimes the:

“Plunder of public or private property, wanton destruction of towns or villages, or destruction not justified by military necessity.”(Katie Schiazari, 2004:617)

This meant that **environmental damage was considered a war crime only if it lacked military necessity**.

**Case Example:** During the Nuremberg Trial of General Alfred Jodl, he was accused of employing a **scorched earth policy** in northern Norway and Leningrad. The court acquitted him because he **honestly believed his actions were justified by military necessity**, illustrating the limitations of environmental protection under these early statutes (Lawrence et al., 2007:9; Nuremberg, Prosecution of Alfred Jodl: 1946).

**Conclusion:** At this historical moment, ecocide was **not recognized as an international crime**, and the statutes of these tribunals **only indirectly addressed environmental protection**, implicitly acknowledging the concept of war-related ecological destruction.

## Section Two: The Draft on International Responsibility of States (1976)

Following the Stockholm Conference and events of the Vietnam War, **Richard E. Falk (1973)** proposed an international treaty criminalizing ecocide. However, due to **lack of governmental support** and the early stage of environmental discourse, this proposal **failed to become binding**.

Despite this, these efforts influenced the **United Nations** and the **International Law Commission (ILC)**, which incorporated the issue of ecocide into the **Draft Articles on the Responsibility of States (1976–1996)** and later the **Draft Code of Crimes against the Peace and Security of Mankind**.

### Key Development:

- **Article 19 of the Draft on State Responsibility** described environmentally destructive conduct as a violation of the **basic norms of international society**, effectively categorizing it as an **international crime** (Kalyon, 2004:180-181).
- This placed ecocide alongside grave offenses such as **territorial aggression** and **genocide**, reflecting the growing recognition of **environmental protection as a core international value**.

### Subsequent Developments:

- Later versions of the draft, including the **2001 ILC draft**, abandoned this idealistic approach.
- Article 19 was revised, and references to **grave breaches of environmental obligations** were removed, signaling a shift toward a more conventional legal framework.

**Conclusion:** These early initiatives, although imperfect, **laid the groundwork for the eventual Germanization of ecocide** by embedding environmental protection in international criminal discourse and signaling the need for its independent criminalization.

## Article Three: The Germanization of Ecocide in the Draft Code of Crimes against Peace and Human Security

The **Draft Code of Crimes against Peace and Human Security** represents a significant step by the international community toward the Germanization of ecocide. This draft, considered the **first attempt to codify substantive international criminal law** (Mumtaz, 1994:143-168), explicitly addressed environmental crimes.

- **Original Draft (1954):** Ecocide was **not recognized** as an independent crime or as a predicate for other crimes. At that time, environmental crises had not yet become a central international concern.
- **Second Draft (1991):** The International Law Commission (ILC) adopted an **intermediate model**, recognizing ecocide both as an **independent crime** and as an **example of a war crime** (Galipour & Mehra, 2020:66).

Following the second draft, the UN Secretary-General received **24 responses from states**, with the **US, UK, and Netherlands opposing the inclusion of ecocide**. The US cited vagueness, while the UK described it as an **unknown international crime** (Nada & Mohammad-Alikhani, 2017:209).

Ultimately, due to political pressures, **Article 26 on wartime ecocide** was deleted unilaterally by the Chairman of the Commission (Wijdekop, 2016:2-3; Gauger et al., 2012:10-11). After **26 years of drafting**, the Committee settled on recognizing **only wartime ecocide**.

## Second Statement: The International Community's Approach to Ecocide after the Establishment of the ICC

The **Rome Statute (1998)**, establishing the **International Criminal Court (ICC)**, represents a landmark in international criminal law. Its treatment of ecocide is pivotal for understanding the current **legal protection of the environment**.

Discussion One: The Germanization of Ecocide in the Rome Statute

The Rome Statute criminalizes four categories of crimes:

1. **Genocide** (Article 6)
2. **Crimes against humanity** (Article 7)
3. **War crimes** (Article 8)
4. **Territorial violations** (Article 8 bis)



At first glance, environmental crimes seem **absent** as an independent category (Fahimi & Mashhady, 2014:26). However, **Article 8(2)(b)(iv)** establishes that:

“Intentionally committing an attack, knowing it will cause widespread, long-term, and severe damage to the environment, which is grossly disproportionate to concrete and direct military objectives, constitutes a war crime.”

This is the **first international treaty provision** explicitly protecting the environment against severe, widespread, and long-term destruction (Lawrence et al., 2007:2; Zamani, 2002:43-44). It reflects a **biogeographical/ecosystem-centric definition** of ecocide, emphasizing the intrinsic value of nature (Lopez, 2006:232).

#### Limitations of the Rome Statute

1. **Limited to wartime ecocide:** Peacetime environmental destruction is excluded.
2. **Limited to international armed conflicts:** Non-international conflicts are not covered.
3. **High threshold for prosecution:** All three conditions (widespread, severe, long-term) must be met, making enforcement difficult.
4. **Vague definitions:** No detailed guidance is provided for judges or policymakers, creating **ambiguity in enforcement** (Lawrence et al., 2007:13; Lopez, 2006:260, 268).

**Conclusion:** While the Rome Statute marks a significant milestone in the recognition of environmental protection in international law, its **limitations hinder effective prosecution of ecocide**, prompting calls for amendments to expand the ICC’s jurisdiction and improve protection of the global environment.

## Discussion Two: New Horizons in the Germanization and Pursuit of Ecocide

Despite the significant achievements of the **Rome Statute**, it has faced persistent criticism from environmentalists and scholars for failing to fully protect the natural environment and for not meeting the expectations regarding the prosecution of ecocide. In response to these shortcomings, in recent years, the international community, particularly the **ICC Prosecutor’s Office**, has taken meaningful steps to advance the Germanization and prosecution of ecocide, rekindling hope among advocates of environmental protection and international criminal law reform. These developments aim to close the gaps left by the Rome Statute, addressing the fact that environmental destruction, whether intentional or consequential, has historically been underrepresented in international criminal law. By emphasizing the prosecution of environmental crimes, these efforts reflect a growing recognition that protecting ecosystems is not only an ethical imperative but also a legal necessity in the 21st century, given the global consequences of environmental degradation for human populations, biodiversity, and the stability of international systems.

A major milestone in this context was the publication of the **ICC Prosecutor’s Prosecution Policy in 2016**, which, for the first time, explicitly recognized environmental crimes within the framework of the Statute. Paragraph 41 of the document states:

“The Office of the Prosecutor shall pay particular attention to the prosecution of those crimes established in the Rome Statute that are committed through acts such as environmental destruction, illegal exploitation of natural resources, or illegal acquisition of land, or acts that lead to such consequences.” (Office of the Prosecutor, 2016:14)

This provision identifies three broad categories of anti-environmental conduct: **environmental destruction, illegal exploitation of natural resources, and illegal land acquisition**. Each of these categories, if the requisite statutory elements are met, may constitute ecocide under the Prosecutor’s interpretation, particularly when environmental destruction is deliberate and widespread. The significance of this policy lies in its recognition that the environment itself can be a primary victim, rather than only a secondary or instrumental concern in crimes affecting humans. By considering environmental harm in peacetime as well as wartime, the Prosecutor has signaled a **progressive approach** to international criminal law that seeks to address environmental crimes more systematically, bridging gaps left by the original Rome Statute, which focused primarily on wartime offenses (Crasson, 2017:38).

The Prosecutor’s Policy further interprets environmental crimes from **two complementary perspectives**, which together provide a comprehensive framework for prosecution. The first perspective is the **instrumental or intentional use of the environment to commit other crimes**. This occurs when the environment is deliberately manipulated or destroyed to achieve criminal objectives, such as the forced displacement of a population through the destruction or pollution of water or agricultural resources. A clear example is the deliberate targeting of environmental resources during armed conflicts to force minority populations to migrate or abandon their lands. The second perspective is the **consequential or side-effect approach**, where environmental damage occurs as a byproduct of other activities or military operations. For instance, damage to ecosystems that occurs during legitimate military attacks, even if not intended, may still be considered under this framework when it reaches the threshold of severe, widespread, and long-term harm. Such occurrences have been documented repeatedly, including during Israeli military actions in the Gaza Strip, which caused significant environmental destruction alongside civilian and infrastructural damage (Najafi, Asfadi & Jalalian, 2012:205-241). By considering both intentional and consequential harm, the Prosecutor’s Policy provides a **nuanced and adaptable approach**, ensuring that the law can respond to diverse forms of ecological destruction in varying contexts.

Despite its progress, it is important to note that the **2016 Prosecution Policy does not formally expand the ICC’s jurisdiction** or introduce ecocide as a new crime under the Rome Statute. Instead, it represents a **“green interpretation”** of the Statute, offering a framework through which existing crimes—such as genocide, crimes against humanity, war crimes, and territorial violations—can be understood to encompass environmental destruction under specific conditions. In practice, this approach allows for acts committed against the environment to be prosecuted within the existing legal architecture, provided they meet the material and contextual elements of the recognized crimes. This strategy, while not codifying ecocide as a separate crime, significantly increases the likelihood that environmental crimes,

particularly those of severe and long-term impact, can be addressed by the Court.

By integrating ecological considerations into the prosecution of crimes traditionally focused on human victims, this green reading reflects an evolving understanding of international criminal law that recognizes **the intrinsic value of ecosystems** and the importance of safeguarding them for current and future generations (Galipour & Mehra, 2020:74).

## Conclusion

The term “**ecocide**” originates from the combination of two classical words—Greek *oikos*, meaning “house” or “home,” and Latin *caedere*, meaning “to destroy” or “to kill.” Literally, it refers to the destruction of a house. However, in contemporary legal discourse, the concept of ecocide has evolved to encompass much broader implications, particularly in the context of environmental protection. In the legal literature, ecocide carries **two fundamental interpretations**. In its first, anthropocentric sense, ecocide refers to severe and widespread environmental destruction that threatens human habitats, emphasizing the value of nature primarily as a provider of resources and shelter for humans. In its second, biocentric or ecosystem-centered sense, the environment is seen as having intrinsic value, deserving care, protection, and recognition independently of its utility to humanity. This perspective highlights that the natural world has rights and significance beyond its relationship with human beings. Given the increasing recognition of the interconnectedness of human life and environmental sustainability, it appears that the **biocentric approach** to ecocide provides a more comprehensive and morally compelling framework for international law and therefore deserves broader acceptance.

The growing urgency of environmental challenges—such as climate change, deforestation, pollution, and biodiversity loss—underscores the **necessity of criminalizing ecocide as an independent international crime** rather than treating it merely as a subset of war crimes or other human-centered offenses. Environmental crimes are distinctive in that their primary victims are ecosystems themselves, yet their consequences reverberate across human societies, affecting health, livelihoods, and security. Furthermore, the long-term and often irreversible effects of ecocide make it essential for the international community to establish clear legal mechanisms to prevent, prosecute, and punish such acts. Despite the recognition of ecocide as a threat to global peace, security, and prosperity since the 1970s, efforts to criminalize it have frequently been hampered by the competing interests of powerful states and multinational corporations. These obstacles have delayed the codification of ecocide as a formal crime under international law and have perpetuated a cycle of impunity for environmental offenders.

The establishment of the **International Criminal Court (ICC)** represents a significant milestone in addressing this gap. By integrating environmental crimes into its prosecutorial policy, particularly through the 2016 **green prosecution policy**, the ICC has initiated a judicial path toward the recognition and enforcement of ecocide as a serious international crime. Although the Rome Statute itself does not yet recognize ecocide as an independent offense, the Prosecutor’s willingness to interpret existing crimes—such as war crimes, genocide, and crimes against humanity—

through an ecological lens demonstrates a **practical, innovative approach** to holding perpetrators accountable. This development signals a shift in international criminal law, where judicial practice can actively influence legislative frameworks, paving the way for more robust and comprehensive environmental protections.

The green prosecution policy also holds transformative potential in several key areas. It can broaden the scope of accountability from wartime environmental destruction to include peacetime ecocide, thereby reducing impunity for perpetrators of severe environmental harm. It strengthens the normative weight of environmental protection in international law, encourages domestic legal systems to adopt corresponding legislation, and creates a **deterrent effect** against large-scale environmental destruction. By aligning judicial practices with ecological priorities, the international community can foster a new ethic of environmental responsibility, emphasizing that ecocide is not merely an abstract concern but a serious offense with global consequences.

Ultimately, the Germanization and prosecution of ecocide represent a critical evolution in international law. On one hand, they contribute to the development of a **new environmental ethic**, elevating the status of ecological values and norms within the international legal order. On the other hand, they serve as a deterrent, preventing the continuation of destructive policies that threaten the survival of humans, animals, plants, and the broader biosphere. As environmental challenges intensify, it is imperative that the international community continues to expand the legal recognition and enforcement of ecocide, ensuring that perpetrators are held accountable and that the cycle of ecological destruction is decisively interrupted. In doing so, international law can play a pivotal role in securing a sustainable future for all life on Earth.

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