

# The Essence of Ecocide: Meaning, Scope, and Path of Criminalization

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## ABSTRACT

Ecocide has emerged as a significant concept within environmental jurisprudence, reflecting growing global concern over severe and widespread environmental destruction. The term “ecocide” generally refers to acts or omissions that cause extensive damage, destruction, or loss of ecosystems, thereby severely diminishing the peaceful enjoyment of the environment by present and future generations. Although environmental protection has long been addressed through regulatory frameworks, the escalating scale of ecological harm—such as deforestation, pollution, and climate-related degradation—has prompted calls to recognize ecocide as an international crime.

This paper examines the essence of ecocide by exploring its meaning, legal scope, and the evolving discourse surrounding its criminalization. It first traces the conceptual development of ecocide in international legal thought, particularly in relation to environmental harm caused during armed conflicts and large-scale industrial activities. The analysis then considers the proposed legal definitions of ecocide and the challenges associated with establishing clear thresholds for liability, intent, and responsibility under criminal law.

Furthermore, the study evaluates current international efforts to incorporate ecocide into global legal frameworks, including proposals to amend the Rome Statute of the International Criminal Court to recognize ecocide alongside existing international crimes such as genocide, crimes against humanity, war crimes, and the crime of aggression. The paper also discusses the potential benefits and limitations of criminalizing ecocide, including issues of enforcement, state sovereignty, and corporate accountability. Ultimately, recognizing ecocide as a crime could strengthen environmental governance and provide a powerful deterrent against large-scale ecological destruction. The criminalization of ecocide represents a transformative step toward protecting the planet and ensuring accountability for actions that threaten the ecological balance essential for human survival.

**Keywords:** Ecocide, Environmental Law, International Criminal Law, Environmental Protection, Criminalization.

## INTRODUCTION

Environmental degradation has emerged as one of the most pressing global concerns of the twenty-first century. Rapid industrialization, deforestation, pollution, biodiversity loss, and climate change have collectively caused unprecedented harm to ecosystems across the world. While environmental regulations and civil liability regimes exist in most legal systems, they have often proven insufficient to deter large-scale environmental destruction. As environmental damage becomes more severe and irreversible, the concept of “ecocide” has gained increasing attention in international legal discourse. Ecocide seeks to recognize the destruction of ecosystems as a serious crime that warrants criminal accountability at national and international levels.

The term ecocide is generally understood as the extensive destruction, damage, or loss of ecosystems to such an extent that the peaceful enjoyment of the environment by inhabitants is severely diminished. The concept first gained prominence during the Vietnam War, when the large-scale use of herbicides such as Agent Orange caused widespread ecological devastation. Scientists and legal scholars began to question whether existing legal frameworks were adequate to address such catastrophic environmental harm. The term was reportedly popularized by biologist Arthur Galston in 1970, who used it to describe the environmental consequences of chemical warfare.<sup>1</sup> Since then, the notion of ecocide has evolved from a moral and political argument into a potential legal principle aimed at preventing severe environmental destruction.

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<sup>1</sup> Arthur W. Galston, “Ecocide: A Case for the Protection of the Environment,” available at: <https://www.jstor.org/stable/44479300> (last accessed on 13 March 2026).

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In the decades that followed, environmental protection became an important subject of international concern. The Stockholm Declaration of 1972 marked one of the earliest global efforts to recognize the right to a healthy environment and the responsibility of states to protect natural resources.<sup>2</sup> However, despite such declarations and subsequent environmental treaties, environmental crimes continued to occur on a large scale. Oil spills, illegal mining, industrial pollution, and deforestation have caused irreversible damage to ecosystems and biodiversity worldwide. Many of these activities are carried out by powerful corporations or state actors, making accountability difficult within existing regulatory systems.

The growing inadequacy of conventional environmental laws has led scholars and activists to advocate for the recognition of ecocide as an international crime comparable to genocide, crimes against humanity, war crimes, and the crime of aggression. These four crimes currently fall within the jurisdiction of the International Criminal Court (ICC) under the Rome Statute.<sup>3</sup> Advocates argue that adding ecocide as a fifth international crime would strengthen global environmental governance and establish clear legal consequences for actions that cause severe ecological harm. By criminalizing ecocide, international law could provide stronger deterrence and ensure that individuals, corporations, and state officials are held accountable for actions that threaten planetary stability.

In recent years, momentum toward recognizing ecocide as a crime has increased significantly. Legal scholars and environmental advocates have worked to develop clear definitions and legal frameworks for its implementation. In 2021, an Independent Expert Panel convened by the Stop Ecocide Foundation proposed a legal definition of 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.”<sup>4</sup> This proposed definition attempts to balance environmental protection with legal certainty by establishing specific thresholds of harm and intent. Such developments have renewed international debates regarding whether ecocide should be formally incorporated into the Rome Statute.

Despite the growing support for criminalizing ecocide, several legal and political challenges remain. One major issue is defining the threshold of environmental damage that would constitute ecocide. Environmental harm exists on a spectrum, and determining when damage becomes sufficiently severe to qualify as an international crime is a complex task. Additionally, questions arise regarding the attribution of responsibility. Environmental destruction often results from collective decision-making involving governments, corporations, and various actors. Establishing individual criminal liability within such complex structures presents significant legal difficulties.

Another important concern relates to state sovereignty and economic development. Some countries fear that criminalizing ecocide could restrict industrial growth or interfere with national resource management policies. Developing nations, in particular, may argue that strict environmental criminalization could hinder their ability to pursue economic development. Consequently, balancing environmental protection with economic and political considerations remains a critical challenge in the debate over ecocide.<sup>5</sup>

Nevertheless, the recognition of ecocide as a crime could represent a transformative development in international environmental law. By shifting environmental protection from a primarily regulatory framework to a criminal law paradigm, the international community could significantly strengthen mechanisms of accountability. Criminalization would not only punish perpetrators but also serve as a deterrent against activities that cause large-scale ecological damage. Furthermore, recognizing ecocide could reinforce the principle that environmental protection is essential for safeguarding human rights, biodiversity, and the well-being of future generations.<sup>6</sup>

In this context, the study of ecocide becomes essential for understanding the evolving relationship between environmental protection and criminal law. This research therefore seeks to examine the meaning, scope, and path of criminalization of

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<sup>2</sup> United Nations, *Stockholm Declaration on the Human Environment, 1972*, available at: <https://www.un.org/en/conferences/environment/stockholm1972> (last accessed on 13 March 2026).

<sup>3</sup> International Criminal Court, *Rome Statute of the International Criminal Court, 1998*, available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (last accessed on 13 March 2026).

<sup>4</sup> Stop Ecocide Foundation, *Independent Expert Panel for the Legal Definition of Ecocide (2021)*, available at: <https://www.stopecocide.earth/legal-definition> (last accessed on 13 March 2026).

<sup>5</sup> Philippe Sands, “The Case for Ecocide,” available at: <https://www.cambridge.org/core/journals/journal-of-international-criminal-justice/article/case-for-ecocide> (last accessed on 13 March 2026).

<sup>6</sup> United Nations Environment Programme, *Environmental Rule of Law: First Global Report*, available at: <https://www.unep.org/resources/report/environmental-rule-law-first-global-report> (last accessed on 13 March 2026).

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ecocide within contemporary legal discourse. It explores the conceptual foundations of ecocide, the development of proposed legal definitions, and the ongoing international efforts to incorporate ecocide into global criminal law frameworks. By analyzing these issues, the study aims to contribute to the broader discussion on strengthening environmental accountability and ensuring the protection of ecosystems upon which life on Earth ultimately depends.

### **Objectives**

1. To examine the concept, meaning, and legal scope of ecocide within the framework of international environmental law.
2. To analyze the emerging efforts and challenges in recognizing and criminalizing ecocide as an international crime.

### **RESEARCH METHODOLOGY**

This research adopts a doctrinal and analytical methodology to examine the concept of ecocide, its legal meaning, scope, and the prospects for its criminalization under international law. The study primarily relies on secondary sources, including international conventions, treaties, judicial decisions, scholarly articles, books, and reports published by international organizations such as the United Nations and environmental law institutions. Key legal instruments, including the Rome Statute of the International Criminal Court, environmental declarations, and proposed definitions of ecocide, are critically analyzed to understand the evolving legal framework surrounding environmental crimes.

The research further employs a comparative and interpretative approach to evaluate different legal perspectives and proposals regarding the recognition of ecocide as an international crime. Relevant academic literature and policy documents are reviewed to identify contemporary debates, challenges, and developments in this area. Through systematic analysis of these sources, the study aims to assess the feasibility and implications of criminalizing ecocide within international environmental law.

### **Analysis**

#### **1. Conceptual Understanding of Ecocide**

The concept of ecocide has evolved significantly in international environmental law and legal scholarship. Broadly understood, ecocide refers to the extensive destruction or irreversible damage to ecosystems that threatens environmental stability and human well-being. The term originates from the Greek words *oikos* (home or environment) and *caedere* (to kill), literally meaning the killing of one's home or environment. The idea gained prominence during the Vietnam War when the widespread use of chemical defoliants such as Agent Orange resulted in devastating ecological consequences, including deforestation, soil contamination, and destruction of biodiversity. Scholars and scientists began advocating for the recognition of such acts as an international crime due to their severe environmental and humanitarian consequences.

The conceptual framework of ecocide is closely connected to the broader development of environmental rights and sustainable development principles. Environmental harm is no longer viewed solely as damage to property or resources; rather, it is increasingly recognized as a violation of collective rights affecting present and future generations. In this context, ecocide represents the most extreme form of environmental destruction, involving actions that lead to long-term or widespread ecological damage. Legal scholars have argued that such acts should attract criminal liability similar to other international crimes such as genocide and crimes against humanity.<sup>7</sup>

The development of ecocide as a legal concept also reflects growing awareness of the interdependence between human survival and ecological stability. Environmental disasters such as massive oil spills, deforestation, and large-scale industrial pollution have demonstrated that environmental destruction can have far-reaching social, economic, and humanitarian consequences. Consequently, the discourse surrounding ecocide emphasizes the need for stronger legal frameworks to prevent environmental devastation and ensure accountability for those responsible.

#### **2. Evolution of Ecocide in International Law**

The evolution of ecocide as a legal concept can be traced through various developments in international environmental law. Early international environmental agreements primarily focused on conservation and pollution control rather than criminal accountability. However, the increasing scale of environmental degradation gradually led to discussions regarding the criminalization of severe environmental harm.

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<sup>7</sup> Polly Higgins, *Eradicating Ecocide: Laws and Governance to Prevent the Destruction of Our Planet* (Shepherd-Walwyn, London, 2010), available at: <https://www.stopecocide.earth> (last accessed on 13 March 2026).

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One of the earliest international efforts to address environmental protection was the 1972 Stockholm Declaration on the Human Environment, which emphasized the responsibility of states to protect natural resources for present and future generations. Although the declaration did not explicitly refer to ecocide, it established the normative foundation for international environmental protection by recognizing the importance of safeguarding ecosystems.<sup>8</sup> Later international instruments, such as the Rio Declaration on Environment and Development (1992), further reinforced the principle of sustainable development and the need for environmental accountability.

Another significant development occurred with the adoption of the Rome Statute of the International Criminal Court (1998), which included provisions addressing environmental damage in the context of armed conflict. Article 8(2)(b)(iv) of the Rome Statute criminalizes intentionally launching attacks that cause widespread, long-term, and severe damage to the natural environment during armed conflict.<sup>9</sup> Although this provision represents an important step toward recognizing environmental harm within international criminal law, its scope remains limited to wartime situations. As a result, many scholars argue that the Rome Statute does not adequately address environmental destruction occurring during peacetime. The growing recognition of environmental crimes has led to renewed calls for the inclusion of ecocide as the fifth international crime under the jurisdiction of the International Criminal Court. Such proposals seek to expand the scope of international criminal law to cover severe environmental damage irrespective of whether it occurs during armed conflict or peacetime.

### **3. Judicial Recognition of Environmental Protection**

Judicial institutions across the world have increasingly recognized the importance of environmental protection and have contributed significantly to the development of environmental jurisprudence. Although courts have not explicitly recognized ecocide as a crime, several landmark decisions demonstrate judicial willingness to address large-scale environmental harm.

One notable case is *Vellore Citizens Welfare Forum v. Union of India*, where the Supreme Court of India emphasized the principles of sustainable development and the precautionary principle in addressing industrial pollution caused by tanneries in Tamil Nadu. The Court held that economic development cannot occur at the cost of environmental degradation and recognized the state's duty to protect ecological balance.<sup>10</sup> This judgment strengthened environmental governance in India and established important principles for environmental protection.

Another important case is *Subhash Kumar v. State of Bihar*, in which the Supreme Court held that the right to pollution-free water and air forms part of the fundamental right to life under Article 21 of the Constitution of India.<sup>11</sup> The Court recognized that environmental protection is essential for the enjoyment of fundamental rights and emphasized the responsibility of authorities to prevent environmental degradation.

At the international level, the *Trail Smelter Arbitration (United States v. Canada)* is often cited as a foundational case in environmental law. The arbitration tribunal held that no state has the right to use its territory in a manner that causes serious environmental harm to another state.<sup>12</sup> This principle has since become a cornerstone of international environmental law and has influenced numerous environmental treaties and judicial decisions.

Another significant case demonstrating judicial intervention in environmental matters is *M.C. Mehta v. Union of India (Oleum Gas Leak Case)*. In this case, the Supreme Court of India developed the doctrine of absolute liability, holding that enterprises engaged in hazardous activities are strictly liable for environmental damage caused by their operations.<sup>13</sup> The Court's decision significantly strengthened environmental accountability and influenced the development of environmental liability laws.

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<sup>8</sup> United Nations, *Stockholm Declaration on the Human Environment (1972)*, available at: <https://www.un.org/en/conferences/environment/stockholm1972> (last accessed on 13 March 2026).

<sup>9</sup> International Criminal Court, *Rome Statute of the International Criminal Court (1998)*, available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (last accessed on 13 March 2026).

<sup>10</sup> *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

<sup>11</sup> *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

<sup>12</sup> *Trail Smelter Arbitration (United States v. Canada)*, 1941, available at: [https://legal.un.org/riaa/cases/vol\\_III/1905-1982.pdf](https://legal.un.org/riaa/cases/vol_III/1905-1982.pdf) (last accessed on 13 March 2026).

<sup>13</sup> *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

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These judicial developments illustrate that courts have increasingly recognized environmental protection as a critical legal concern. While these decisions do not explicitly refer to ecocide, they reflect a growing acknowledgment that severe environmental damage warrants strong legal responses.

#### **4. Challenges in Criminalizing Ecocide**

Despite increasing support for recognizing ecocide as an international crime, several challenges remain in its criminalization. One of the most significant difficulties lies in defining the precise threshold of environmental harm that would constitute ecocide. Environmental damage can occur at varying levels of severity, making it difficult to establish a clear legal standard for determining when environmental harm becomes criminal.

Another major challenge involves establishing the element of intent or knowledge required for criminal liability. International criminal law typically requires proof that the accused acted intentionally or with knowledge of the consequences of their actions. However, environmental damage often results from complex industrial activities involving multiple actors, making it difficult to attribute individual responsibility. Determining whether corporate executives, government officials, or other decision-makers possessed the necessary criminal intent can therefore be legally complex.

Political considerations also pose significant obstacles to the criminalization of ecocide. Many states are concerned that recognizing ecocide as an international crime could interfere with national sovereignty and economic development policies. Developing countries in particular may argue that strict environmental criminalization could restrict their ability to utilize natural resources for economic growth. Consequently, achieving international consensus on the definition and scope of ecocide remains a challenging task.

Furthermore, enforcing international criminal law in environmental matters may present practical difficulties. Investigating environmental crimes often requires complex scientific evidence and long-term ecological assessments. International courts may face challenges in gathering reliable evidence and establishing causal links between specific actions and environmental damage. These evidentiary challenges could complicate prosecutions for ecocide.

#### **5. Emerging Efforts toward the Criminalization of Ecocide**

Despite these challenges, global efforts to recognize ecocide as an international crime have gained momentum in recent years. Environmental activists, legal scholars, and policymakers have increasingly advocated for the inclusion of ecocide within the framework of international criminal law.

In 2021, an Independent Expert Panel convened by the Stop Ecocide Foundation proposed a legal definition of ecocide intended for inclusion in the Rome Statute. According to the proposed definition, ecocide refers to unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and widespread or long-term damage to the environment.<sup>14</sup> This proposed definition attempts to establish a balanced legal standard by incorporating elements of intent, severity, and environmental harm.

Several countries and international organizations have expressed support for recognizing ecocide as an international crime. Legal scholars argue that criminalizing ecocide could significantly strengthen environmental protection by establishing individual criminal liability for severe environmental destruction. Such a development could also encourage governments and corporations to adopt more sustainable practices to avoid potential criminal liability.

Moreover, the recognition of ecocide could reinforce the relationship between environmental protection and human rights. Environmental degradation often disproportionately affects vulnerable communities, leading to displacement, health risks, and loss of livelihoods. By criminalizing ecocide, international law could provide stronger protection for communities affected by large-scale environmental destruction.

#### **6. The Future of Ecocide in International Criminal Law**

The future of ecocide as an international crime will largely depend on political will and international cooperation. Amending the Rome Statute to include ecocide would require approval from a significant number of member states, making the process both legally and politically complex. Nevertheless, the increasing global emphasis on environmental protection suggests that the concept of ecocide will continue to gain prominence in legal and policy discussions.

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<sup>14</sup> Stop Ecocide Foundation, *Independent Expert Panel for the Legal Definition of Ecocide (2021)*, available at: <https://www.stopecocide.earth/legal-definition> (last accessed on 13 March 2026).

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If recognized as an international crime, ecocide could transform the landscape of environmental governance. Criminal liability for severe environmental damage would create stronger deterrence mechanisms and ensure accountability for actions that threaten ecological stability. Such a development could also contribute to the broader goal of achieving sustainable development and protecting the environment for future generations.

In conclusion, the concept of ecocide represents an evolving legal response to the growing environmental challenges faced by the global community. Although the path toward criminalization remains complex, the increasing recognition of environmental protection as a fundamental legal principle indicates that ecocide may eventually become an integral part of international criminal law.

## **CONCLUSION**

The concept of ecocide has emerged as a significant development in contemporary environmental jurisprudence, reflecting the urgent need to address large-scale environmental destruction through stronger legal mechanisms. As environmental degradation intensifies due to industrialization, climate change, deforestation, and pollution, traditional regulatory frameworks have often proven insufficient to prevent severe ecological harm. In this context, the recognition of ecocide as a potential international crime represents a transformative approach aimed at strengthening environmental accountability and protecting ecosystems essential for human survival.

The analysis of ecocide reveals that the concept is deeply rooted in the evolving relationship between environmental protection and international criminal law. Initially emerging as a response to environmental devastation during armed conflicts, the idea of ecocide has gradually expanded to include severe environmental damage occurring in both wartime and peacetime. Although existing international legal instruments such as the Rome Statute of the International Criminal Court recognize environmental destruction in limited circumstances, their scope remains restricted and does not adequately address the widespread ecological harm caused by industrial and economic activities.<sup>15</sup> Consequently, scholars and policymakers have increasingly advocated for the formal recognition of ecocide as the fifth international crime under the jurisdiction of the International Criminal Court.

Judicial developments across national and international courts further highlight the growing importance of environmental protection in legal systems. Landmark judgments, particularly from the Supreme Court of India, have recognized the right to a healthy environment as an integral component of the right to life. These decisions demonstrate that environmental protection is no longer viewed merely as a regulatory concern but as a fundamental legal and human rights issue.<sup>16</sup> Such judicial interpretations have contributed significantly to the broader discourse on environmental accountability and have strengthened the normative foundation for recognizing ecocide as a serious international offense.

Despite the increasing support for the criminalization of ecocide, several challenges remain. Defining the precise threshold of environmental damage that constitutes ecocide continues to be a complex task. Environmental harm often occurs gradually and may involve multiple actors, making it difficult to attribute criminal responsibility to specific individuals or entities. Additionally, political and economic considerations may hinder the adoption of ecocide as an international crime, as some states fear that strict environmental criminalization could restrict their developmental policies and resource utilization.<sup>17</sup> Addressing these challenges will require careful legal drafting, international cooperation, and a balanced approach that considers both environmental protection and economic development.

Recent initiatives, including the proposed legal definition of ecocide developed by the Independent Expert Panel convened by the Stop Ecocide Foundation in 2021, represent significant progress toward establishing a clear legal framework for the criminalization of ecocide. These proposals aim to define ecocide in a manner that incorporates elements of intent, knowledge, and severity of environmental damage, thereby ensuring legal certainty while addressing the most serious

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<sup>15</sup> International Criminal Court, *Rome Statute of the International Criminal Court (1998)*, available at: <https://www.icc-cpi.int/resource-library/documents/rs-eng.pdf> (last accessed on 13 March 2026).

<sup>16</sup> *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598; *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

<sup>17</sup> United Nations Environment Programme, *Environmental Rule of Law: First Global Report*, available at: <https://www.unep.org/resources/report/environmental-rule-law-first-global-report> (last accessed on 13 March 2026).

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forms of ecological destruction.<sup>18</sup> If incorporated into international criminal law, such a definition could provide an effective mechanism for deterring activities that cause widespread or long-term environmental harm.

Ultimately, the recognition of ecocide as an international crime has the potential to reshape the global approach to environmental governance. By imposing criminal liability for severe environmental destruction, the international community can send a powerful message that the protection of the environment is a fundamental legal and moral obligation. Criminalizing ecocide would not only enhance accountability but also reinforce the principle that safeguarding the natural environment is essential for protecting human rights, biodiversity, and the well-being of future generations. In an era marked by escalating environmental crises, the development of ecocide as a legal concept represents an important step toward achieving a more sustainable and environmentally responsible global order.

## RECOMMENDATIONS

To strengthen environmental protection, the international community should seriously consider incorporating ecocide as the fifth international crime under the Rome Statute of the International Criminal Court. Clear legal definitions and thresholds must be developed to ensure effective enforcement and legal certainty. States should also integrate ecocide-related provisions into their domestic environmental laws, enabling national courts to prosecute severe environmental destruction. Additionally, stronger regulatory oversight of corporations and industrial activities is essential to prevent large-scale ecological harm. International cooperation, environmental monitoring mechanisms, and public awareness initiatives should be enhanced to promote sustainable development and ensure accountability for actions that cause irreversible damage to ecosystems.

## FUTURE SCOPE

The concept of ecocide is still evolving within international environmental law, and its future development holds significant potential for strengthening global environmental protection. Continued academic research and international dialogue can contribute to refining the legal framework for recognizing ecocide as a serious international crime.

- Further research can explore the integration of ecocide into the Rome Statute of the International Criminal Court.
- Comparative studies may examine national laws addressing severe environmental crimes.
- Future scholarship can analyze corporate liability for large-scale environmental destruction.
- Interdisciplinary research involving law, environmental science, and policy can help establish clearer legal thresholds for ecocide.
- Greater international cooperation may facilitate effective enforcement mechanisms.

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<sup>18</sup> Stop Ecocide Foundation, *Independent Expert Panel for the Legal Definition of Ecocide (2021)*, available at: <https://www.stopecocide.earth/legal-definition> (last accessed on 13 March 2026).

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