



¹ University College London Faculty of Laws, London, UK

² St Peter's College, University of Oxford, Oxford, UK

Correspondence to: C Savard
catherine.savard@spc.ox.ac.uk

Cite this as: *BMJ* 2025;390:r1715
<http://doi.org/10.1136/bmj.r1715>

Criminalising ecocide

Individuals should be held to account for environmental damage

Philippe Sands,¹ Catherine Savard²

In May 2025, Scotland joined a growing global movement by introducing a bill to criminalise “ecocide.”¹ Twelve countries have already criminalised ecocide, with Belgium becoming the first EU member state to do so in 2024.² This followed a revision of the EU environmental crime directive, which now requires EU countries to criminalise conduct “comparable to ecocide.”³ Other countries that have introduced ecocide bills include Argentina, Dominican Republic, Italy, the Netherlands, and Peru.^{4–7}

The term “ecocide” was coined in 1970 by biologist Arthur Galston, who condemned the large scale environmental devastation caused during the Vietnam war. Between 1962 and 1971, US forces sprayed the herbicide Agent Orange across large parts of Vietnam, defoliating forests and destroying ecosystems on which humans depended. Agent Orange became associated with several serious health problems, affecting millions of US and Vietnamese civilians and war veterans, as well as their offspring.⁸

In Galston’s view, ecocide—serious harm to the environment—should constitute an international crime. Fifty years on, as the world grapples with the escalating consequences of climate change, including sea level rises and biodiversity loss, momentum is building to establish “ecocide” as a new international crime so that individuals can be held accountable for the most serious acts of environmental destruction.

Defining the crime of ecocide has been challenging, but a milestone was reached in 2021, when an independent international expert panel elaborated a legal definition. The panel proposed amending the statute of the International Criminal Court (ICC) to include: “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 being caused by those acts.”⁹ This definition could encompass actions such as massive deforestation, oil spills, and extensive water and soil pollution resulting from resource extraction. Although non-binding, this definition opens a door towards a criminalisation of ecocide around the globe.

International crime

The campaign to make ecocide an international crime passed another step in December 2024, when a coalition of three island states formally proposed adding ecocide to crimes within the jurisdiction of the ICC. The countries in the coalition—led by Vanuatu in the South Pacific—all face existential threat from anthropogenic rises in sea level.

Established in 1998 and located in The Hague, the ICC is the only permanent institution for prosecuting

individuals for four core international crimes—genocide, crimes against humanity, war crimes, and aggression. Importantly, individuals can be held accountable irrespective of their official capacity, including state officials, armed group leaders, and corporate decision makers.

Adding ecocide as a fifth crime within the jurisdiction of the ICC would be an important step towards accountability for serious environmental damage. It would also reflect a more ecocentric approach to the law. Currently, international criminal law is anthropocentric in its approach¹⁰; environmental harms are generally prohibited only insofar as they affect humans. By contrast, ecocide would criminalise harm to natural elements, independent of the effect on humans, and affirm the intrinsic value of the natural world.^{11 12}

Under the ICC framework, states remain primarily responsible for investigating and prosecuting core crimes, and a case is admissible before the ICC only if states fail to do so. This reinforces the need for domestic efforts to support international criminalisation of ecocide.

Domestic action

The UK has an opportunity to take on a leadership role by adopting its own legislation. A bill to criminalise ecocide in the UK was introduced in 2023 but has not moved forward. A domestic prohibition on ecocide could enhance the UK’s current environmental legal framework and help preserve ecosystems threatened by human activity.

Criminalising ecocide would bring various benefits. The spectre of prosecution of decision makers—whether public officials or corporate executives—may provide a more powerful deterrent than attributing responsibility to organisations alone. Moreover, criminal law carries expressive power. Treating environmental harm not merely as a regulatory issue but also as a criminal act conveys a strong message about societal values and priorities. This can change consciousness and drive meaningful changes in human behaviour and policies.

A domestic prohibition on ecocide in the UK has wide support. In an Ipsos survey conducted in 2024 among 22 000 participants from G20 countries, 72% of respondents supported the criminalisation of ecocide.¹³ In the UK, this figure was 78%.¹³ Embracing the campaign for the criminalisation of ecocide is an opportunity for the UK to act on this consensus and position itself as a global leader, inspiring other nations to protect our planet and ultimately ensuring a sustainable future for generations to come.

Competing interests: *The BMJ* has judged that there are no disqualifying financial ties to commercial companies. The authors declare no other interests. Further

details of *The BMJ* policy on financial interests are here: <https://www.bmj.com/sites/default/files/attachments/resources/2016/03/16-current-bmj-education-coi-form.pdf>

Provenance and peer review: Commissioned; not externally peer reviewed.

- 1 Scottish Parliament. Ecocide (Scotland) Bill. 2025. <https://www.parliament.scot/bills-and-laws/bills/s6/ecocide-scotland-bill>
- 2 Service Public Fédéral (Belgique). Loi introduisant le livre II du Code pénal. 2024. <https://www.ejustice.just.fgov.be/eli/loi/2024/02/29/2024002088/moniteur>
- 3 European Commission. Environmental crime directive. 2024. https://environment.ec.europa.eu/law-and-governance/environmental-compliance-assurance/environmental-crime-directive_en
- 4 Ecocide Law. Ecocide/serious environmental crimes in national jurisdictions: existing & proposed ecocide laws. 2025. <https://ecocidelaw.com/existing-ecocide-laws/>
- 5 Iacobucci G. Major environmental polluters could face jail in Dominican Republic under proposed new law. *BMJ* 2025;389:..
- 6 Stop Ecocide International. Two new ecocide bills presented in Peru's parliament. 2025. <https://www.stopecocide.earth/2024/two-new-ecocide-bills-presented-in-perus-parliament>
- 7 Stop Ecocide International. Argentina advances ecocide legislation with new senate bill. 2025. <https://www.stopecocide.earth/bn-2025/argentina-advances-ecocide-legislation-with-new-senate-bill>
- 8 Zierler D. *The invention of ecocide: Agent Orange, Vietnam, and the scientists who changed the way we think about the environment*. University of Georgia Press, 2011.
- 9 Stop Ecocide Foundation. Independent expert panel for the legal definition of ecocide: commentary and core text. 2021. [https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+\(1\).pdf](https://static1.squarespace.com/static/5ca2608ab914493c64ef1f6d/t/60d7479cf8e7e5461534dd07/1624721314430/SE+Foundation+Commentary+and+core+text+revised+(1).pdf)
- 10 Chapaux V, Mégret F, Natarajan U. *Routledge handbook of international law and anthropocentrism*. Routledge, 2023.
- 11 Stone C. Should trees have standing? Toward legal rights for natural objects. *South Calif Law Rev* 1972;45:..
- 12 Macfarlane R. *Is a river alive?* Hamish Hamilton, 2025.
- 13 Earth4All. Global survey. <https://earth4all.life/global-survey-2024>