Tzedek Committee

Report on Criminalization of Ecocide at Global Courts

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Ecocide, 'killing one's home,' is legally defined 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 being caused by those acts."

On November 21, 2024, a proposal was introduced to the **International Criminal Court** (ICC, or the Court) in The Hague, Netherlands to make ecocide the fifth international human rights crime, along with, and of equal gravity as, genocide, crimes against humanity, war crimes, and the crime of aggression. On **December 4, 2024**, the Court began official consideration of ecocide for ratification.

The Court prosecutes individuals for these crimes, holding the highest-level accused perpetrators accountable for actions occurring almost anywhere in the world. Although it will take time for the crime to be codified, ratified by the 125 state parties, and included in the Rome Statute, the convention providing the legal foundation for the Court, this process is now formally under way.

On **December 2, 2024**, environmental issues were introduced at the **International Court of Justice** (ICJ), also located in The Hague. This court's mandate is: 1) to adjudicate states' treaty disagreements, and 2) to render opinions on legal questions brought by the United Nations General Assembly.

The initiative to address this issue at the ICJ was initiated by law students from Pacific Island countries that are at risk of being completely submerged by rising seas. The students began their campaign in 2019 with the slogan "We are taking the world's biggest problem to the world's highest court!"

The ICJ judges will determine 1) what international law requires states to do about the climate crisis, and 2) consequences for states that harm the climate through actions or omissions. Representatives from 98 countries and 12 organizations will address the judges. Some states, like the US, maintain that current voluntary practices, such as ratifying the Paris Climate Accords, are sufficient. Other states, particularly smaller states suffering grave environmental consequences from the world's largest-polluting states, want the force of law to protect, punish, and mitigate environmental damage.

The proceedings began a week after developing nations denounced a deal at COP29: **$300 billion a year by 2035** to help poorer countries cope with climate change, which they assert is woefully insufficient.

More than 50 years ago, the word ***ecocide*** was used to describe environmental damage caused by U.S. use of Agent Orange during the Vietnam War. Through efforts by lawyers, human rights advocates, and civil society members around the world, we have reached this milestone: ***ecocide* is under consideration**

at the two most important courts in the world to protect the environment and to end impunity for environmental devastation.