

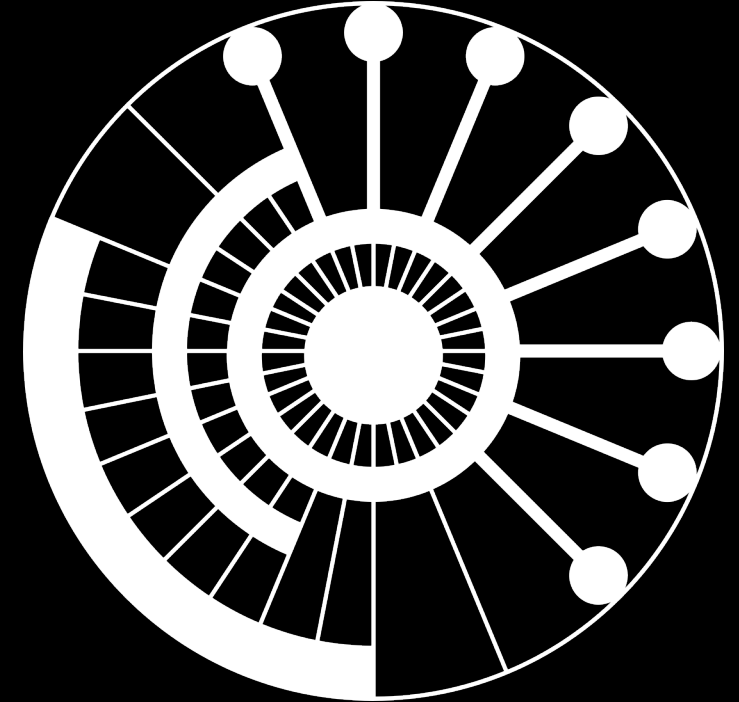


INTERNATIONAL SYMPOSIUM  
“INVENTING THE FUTURE”

# *THE FUTURE OF ECOCIDE IN INTERNATIONAL LAW*

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SECTION

# *Chief Seattle*

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*"We do not inherit the Earth  
from our ancestors; we borrow  
it from our children..."*



# Topics

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# Introduction

After the Cold War, the approach to international security in international relations shifted, highlighting that harmony in the global system relies on various actors and conditions.

In this context, new security perception approaches have emerged and are now analyzed through five sectors.





# Introduction

Military

Political

Economic

Social

Environmental

# Introduction

**Despite the advances in environmental security outlined by the copenhagen school, ongoing challenges indicate limited international legal support.**

**To address this, the concept of 'ecocide' has been introduced and adopted by some national systems in an attempt to deter environmental crime.**



# Introduction



- This study aims to explore the implications of the concept of **"ecocide"** within the international legal system, particularly in relation to environmental security and emerging security frameworks.

# Copenhagen School and Environmental Security



**During the Cold War, the world was bipolar, but it has since shifted to a multipolar structure, enabling regional power centers to shape international dynamics.**

**Regardless of whether the system is unipolar, multipolar, or an idealized single-state model, the number of contested or dominated living spaces remains constant.**

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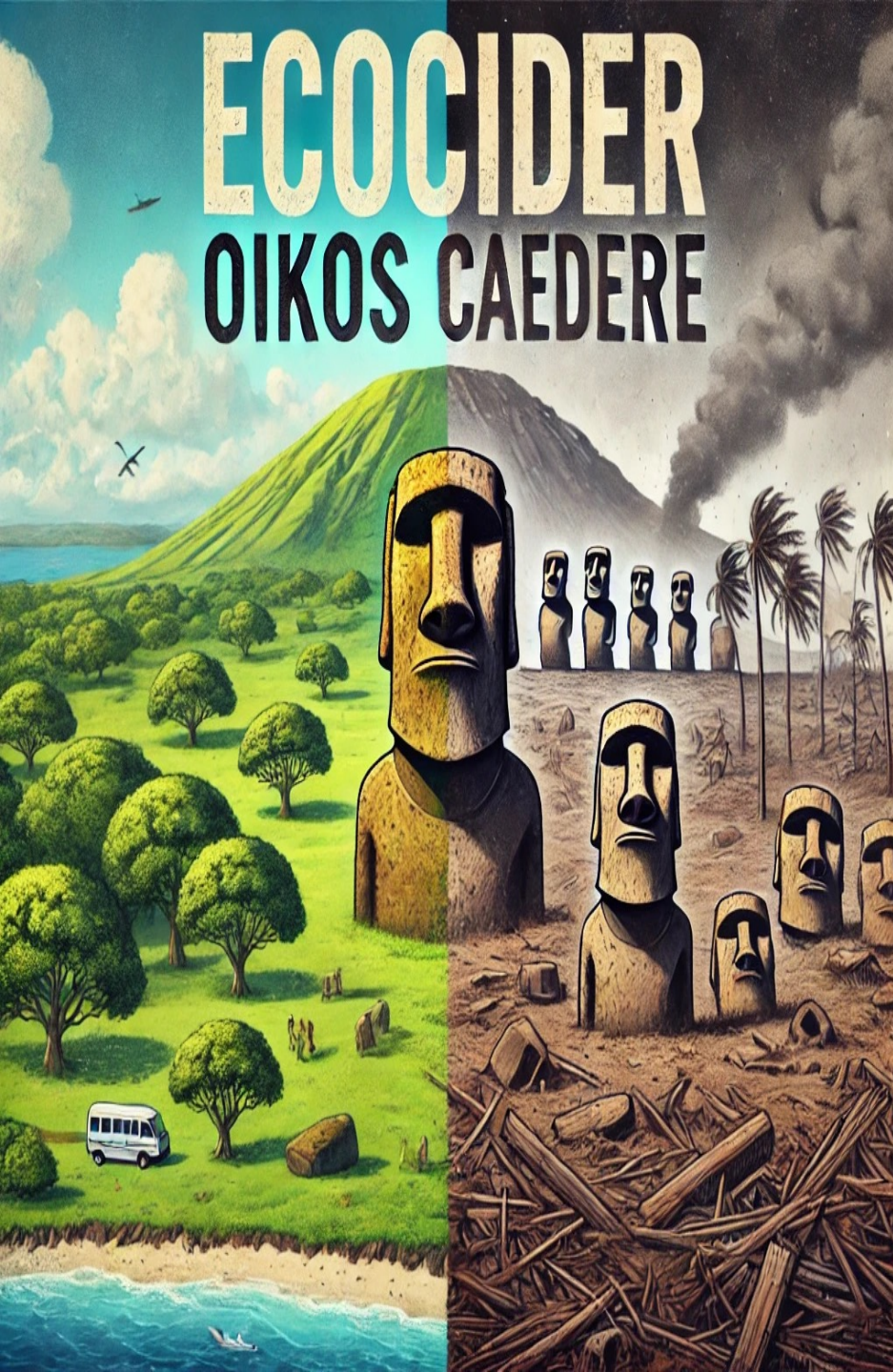


# Copenhagen School and Environmental Security

- ❑ Environmental degradation disrupts agricultural supply-demand balance and poses significant public health risks, leading to forced migration due to environmental disasters.
- ❑ This migration strains resources in host areas and creates cultural tensions, shifting focus from Cold War-era military-centric security to the critical importance of environmental security.







# What is Ecocide?

**ECOCIDE**

**“oikos”  
(home)**

**“caedere”  
(cide)**



*The concept was first used by Arthur Galston in 1970 at the "War and Responsibility" conference in Washington to indicate the damage caused by the USA's use of poisonous orange gas in the Vietnam War.*

## Historical Background of the Term Ecocide



# Historical Background of the Term Ecocide



- It was determined that between 1962 and 1970, American troops used approximately 20 million gallons of chemical defoliants during the Vietnam War to destroy crops and reveal Vietcong positions and movement routes.
- Additionally, official sources in Vietnam estimate that approximately two million people and three million hectares of land were contaminated with toxins.

# Historical Background of the Term Ecocide

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- Following Galston's renowned opposition to the US' acts, a significant milestone in the discussion surrounding the term **"ecocide"** occurred during the [Stockholm Conference in 1972.](#)





# Historical Background of the Term Ecocide

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- In his opening speech, Swedish Prime Minister **Olof Palme** openly referred to the Vietnam War as an **"environmental massacre."**
- This speech was influential in introducing the concept of ecocide to the international legal system and making it a norm.



# Historical Background of the Term Ecocide



Richard A. Falk

- Falk concurred with Galston's observations, while preparing the **Draft Ecocide Convention in 1973.**
- He stated, *"Just as counterinsurgency warfare tends toward genocide with respect to the people, so it tends toward ecocide with respect to the environment."*

## Countries That Have Adopted the Concept

- An examination of the legislation in countries that have integrated the concept of ecocide into their national legal systems reveals a diverse group.
- This group includes [Ecuador](#), [Vietnam](#), [Uzbekistan](#), [France](#), [Russia](#), [Kazakhstan](#), [Tajikistan](#), [Kyrgyzstan](#), [Georgia](#), [Belarus](#), [Ukraine](#), [Moldova](#), [Armenia](#), [Chile](#), [Belgium](#), and notably, [the European Parliament](#), which has also incorporated the concept of ecocide within its legal framework.
- Many countries are taking significant steps to develop legal measures to penalize ecocide.

The logo features the word "STOP" in a large, bold, white sans-serif font. The letter "O" is replaced by a white peace symbol. Below "STOP" is the word "ECOCIDE" in a similar bold, white sans-serif font. Underneath "ECOCIDE" is the word "International" in a white, cursive script font. At the bottom is the word "STATEMENT" in a white, bold, sans-serif font. The entire text is set against a dark, textured background that resembles a close-up of a tree trunk or bark.

# Environmental Crime Directive



The Environmental Crime Directive was subsequently published in the Official Journal on April 30, 2024 and entered into force on May 20, 2024.

Member states have until May 21, 2026 to transpose it into national law. This directive introduces environmental offenses into national criminal law that cause significant damage to nature, comparable to "ecocide".



# Environmental Crime Directive



The 20 criminal offences under the Ecocide Directive concern:

ENVIRONMENTAL POLLUTION

HARMFUL PRODUCTS

HAZARDOUS SUBSTANCES

USE OF MERCURY

PERMIT REQUIREMENT

WASTE MANAGEMENT

SHIPMENT OF WASTE

RECYCLING OF SHIPS

MARINE POLLUTION

OPERATION OF INSTALLATION

DISMANTLING OF INSTALLATIONS

RADIOACTIVE MATERIAL

ABSTRACTION OF GROUNDWATER

WILDLIFE TRADE

WILDLIFE PRODUCTS



ILLEGAL TIMBER TRADE

DAMAGE TO PROTECTED SITES

INVASIVE ALIEN SPECIES

OZONE DEPLETING SUBSTANCES

FLUORINATED GREENHOUSE GASES



Source: <https://www.lawcode.eu>

# The Future of the Term Ecocide

**Diverse perspectives and priorities of international actors influence national environmental security policies, sometimes causing conflicts between global environmental goals and national interests.**

**These issues are complex, surpassing spatial and temporal limits.**

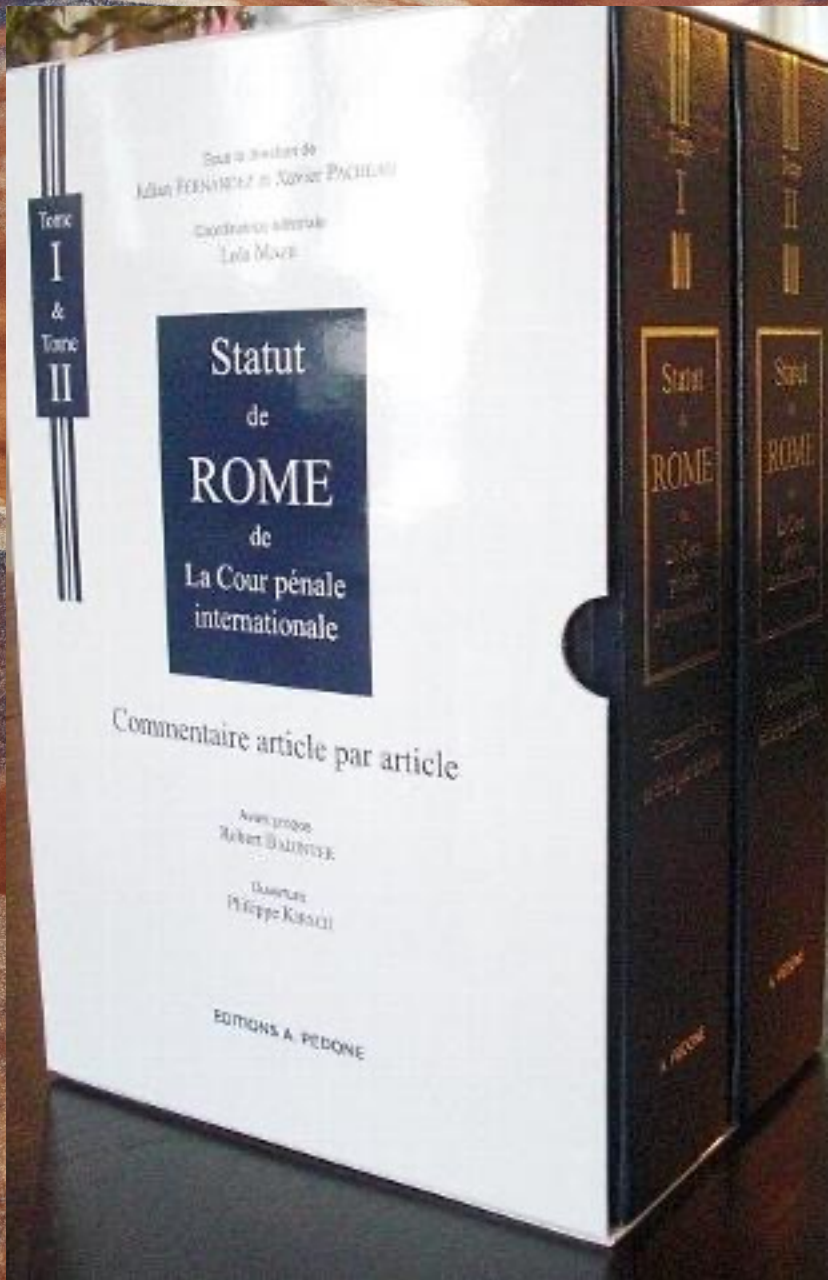


# The Future of the Term Ecocide

In 1991, it was planned to make a new regulation regarding the damage caused to the environment.

In the "Draft Law on Crimes Against the Peace and Security of Humanity", which consists of 12 crimes prepared by the International Law Commission, Article 26 stated, "An individual who willfully causes or orders the causing of widespread, long-term and severe damage to the natural environment shall, on conviction thereof, be sentenced."

# The Future of the Term Ecocide



- However, in 1996, when the proposed draft was presented for a vote, it was observed that the initial twelve offenses outlined in the draft were reduced to four offenses that remained in accordance with the provisions of the Rome Statute.
- Furthermore, Article 26 was rescinded. In fact, during the voting process, it was overlooked **that Article 26 had not been presented for a vote.**



# The Future of the Term Ecocide



- With the development of environmental awareness, in 2016, the Prosecutor's Office of the **International Criminal Court** stated that it would give priority to the prosecution of crimes that result in environmental destruction, exploitation of natural resources, or illegal land grab .
- Although this discussion has attracted considerable global attention, a legal evaluation reveals that the Rome Convention governs the **ICC Prosecutor's Office**.



# The Future of the Term Ecocide



- Consequently, the office cannot investigate any actions not specified in the provisions of this convention solely based on a policy document and the primary purpose of the Policy Document is to *"provide the rules and principles that guide the exercise of prosecutorial discretion in the selection and prioritization of cases for investigation and prosecution"*.

# The Future of the Term Ecocide

The environmental awareness that has emerged as a result of these initiatives to establish environmental security has caused the number of cases filed against environmental crimes to increase over time and the support for the concept of ecocide in the international system to increase.

The new perspective that developed within the framework of this support also found a place in the 2019 initiative that Vanuatu and the Maldives requested consideration of adding the 'ecocide' to the Rome Statute at the 18th Meeting of the ICC Assembly of States Parties .



# The Future of the Term **Ecocide** Article 8 ter



For the purpose of this Statute, “**ecocide**” means 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.





# Conclusion

- **The "ecocide" concept**, which started in the 1970s, has lasted 50 years and has still not achieved the desired result.
- In addition, although environmental damage only in the context of war crimes was added to **the legal system**, the ambiguity of the processes to be carried out against this crime is also evident since the jurisdiction of the ICC does not yet cover the whole world.





# Conclusion

- For this reason, it is considered that it would be more effective
  - ☐ To establish a new UN statute that will subject only ecocide crimes against the environment rather than waiting for the crimes in question to be brought to justice until each country recognizes the authority of the International Criminal Court,
  - ☐ And/Or To support the integration of the ecocide concept into the domestic legal systems of countries.





*For a world filled with  
understanding and  
empathy for the  
environment...*

# ***THE FUTURE OF **ECOCIDE** IN INTERNATIONAL LAW***



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# Environmental Crime Directive



January  
2021

The European Parliament called on the EU and its member states to support the recognition of the crime as an international crime.

March  
21, 2023

The European Parliament's Legal Affairs Committee voted unanimously in favor of condemning "ecocide" under EU law.

March  
29, 2023

The European Parliament supported the inclusion of environmental crimes in the revised EU Directive on the protection of the environment through criminal law.

March  
26, 2024

The Council of the European Union adopted a directive on the protection of the environment through criminal law, with Germany being the only country to vote against it.