

# Ecocide crime in domestic legislation

## Introduction

Ecocide is already recognised as a crime in ten countries. What is of note is that in most of the penal codes listed below, the crime of Ecocide is set down in code and listed as a "Crime Against Peace", often alongside the named four international Crimes Against Peace; Crimes Against Humanity, Genocide, War Crimes and Crimes of Aggression. (These 4 core crimes are the international crimes set out in the Rome Statute, the document that codified the 4 international Crimes Against Peace in 1998).

When the Crimes Against Peace were originally being examined within the UN throughout the 1970s to the 1990s, many countries were in favor of including Ecocide as the fifth Crime Against Peace. However, Ecocide was left out in 1996, after 11 years of drafting of what was originally known as the *Draft Code of the Security and Peace of Mankind* where Ecocide had been included, despite many countries objecting to its exclusion. Read the report that sets out the history of what happened here: ["Ecocide is the Missing 5<sup>th</sup> Crime Against Peace"](#).

Further research on the effectiveness of these laws is being carried out by lawyers within the [International Senior Lawyers Project UK](#).

Although there are Ecocide laws in place, the effectiveness of these laws depends on a number of factors including the enforcement of the law, an independent judiciary and respect for the rule of law. Many of the countries with national Ecocide laws in place are ranked very highly for corruption and low for respect for the rule of law by [Transparency International](#).

**Governance:** For an Ecocide law to be effective, it must be implemented on an international level. The ability of being prosecuted through the International Criminal Court will help to ensure that the law is effectively enforced.

## The Laws against Ecocide

### Criminal Code Georgia 1999

**Article 409. Ecocide** defined as "Contamination of atmosphere, land and water resources, mass destruction of flora and fauna or any other action that could have caused ecological disaster - shall be punishable by imprisonment extending from eight to twenty years in length".

### Criminal Code the Republic of Armenia 2003

**Article 394. Ecocide** defined as "Mass destruction of flora or fauna, poisoning the environment, the soils or water resources, as well as implementation of other actions causing an ecological catastrophe, is punished with imprisonment for the term of 10 to 15 years".

### Criminal Code Ukraine 2001

**Article 441. Ecocide** defined as "Mass destruction of flora and fauna, poisoning of air or water resources, and also any other actions that may cause an environmental disaster, - shall be punishable by imprisonment for a term of eight to fifteen years".

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## **Criminal Code Belarus 1999**

**Art 131. Ecocide** defined as “mass destruction of the fauna and flora, pollution of the atmosphere and water resources as well as any other act liable to cause an ecological disaster”

## **Penal Code Kazakhstan 1997**

**Art 161. Ecocide** defined as “mass destruction of the fauna or flora, pollution of the atmosphere, agricultural or water resources, as well as other acts which have caused or are capable of causing an ecological catastrophe, constitutes a crime against the peace and security of mankind”.

## **Criminal Code Kyrgyzstan 1997**

**Art 374. Ecocide** defined as “mass destruction of the flora and fauna, poisoning of the atmosphere or water resources, as well as other acts capable of causing an ecological catastrophe, is punishable by deprivation of liberty”.

## **Penal Code Republic of Moldova 2002**

**Art 136. Ecocide** defined as “the deliberate and massive destruction of the fauna and flora, the pollution of the atmosphere or poisoning of water resources, as well as other acts capable of causing an ecological catastrophe, is punishable by deprivation of liberty”.

## **Criminal Code Russian Federation 1996**

**Art 358. Ecocide** defined as “massive destruction of the fauna and flora, contamination of the atmosphere or water resources, as well as other acts capable of causing an ecological catastrophe, constitutes a crime against the peace and security of mankind”.

## **Criminal Code Tajikistan 1998**

**Art 400. Ecocide** defined as “mass extermination of flora or fauna, poisoning the atmosphere or water resources, as well as other acts capable of causing an ecological catastrophe, constitutes a crime against the peace and security of mankind”.

## **Penal Code Vietnam 1990**

**Art 278. Ecocide** defined as "destroying the natural environment, whether committed in time of peace or war, constitutes a crime against humanity."