

Growing number of countries consider making ecocide a crime

Mexico latest country where government is considering passing new laws to criminalise environmental destruction

Isabella Kaminski

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The Lake of the Aztec Kings in Mexico City is on the verge of collapse due to the irregular urbanisation that causes the emptying of sewage and rubbish into the bed of its ancient canals. Photograph: Jorge Nunez/Zuma Press Wire/Shutterstock

A growing number of countries are considering introducing laws to make ecocide a crime.

Mexico is the latest country where politicians are seeking to deter environmental damage – and to get justice for its victims – by criminalising it. Karina Marlen Barrón Perales, congresswoman for Nuevo León, has submitted a bill to the Mexican congress introducing a new crime of “ecocide”.

While damaging the environment is already a civil offence in most countries, recognition of ecocide elevates the most egregious cases to a crime – with accompanying penalties.

The new Mexican bill looks to criminalise “any unlawful or wanton act committed with the knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment”. If passed, anyone found guilty of ecocide could be jailed for up to 15 years and fined as much as 1,500 pesos (£70) a day.

The Mexican bill uses a definition of ecocide **developed by an international panel of legal experts** in 2021. The definition was mainly intended to be adopted by the international criminal court through an amendment to the Rome statute – the **key goal** of the Stop Ecocide Foundation – but is now also being used for national-level legislation.

Only a few states around the world have criminalised ecocide, including Vietnam, Ukraine and Russia. Ukraine’s public prosecutor is **already investigating** a possible case of ecocide against Russia for breaching the **Nova Kakhovka dam**.

France became the first EU country to put ecocide into law in 2021, although the wording is not as strong as campaigners had hoped for. A test case involving carcinogenic chemicals is currently in the courts.



People hold a big banner against ecocide during a Pride event in Amsterdam, July 2023. Photograph: Ana Fernandez/SOPA Images/Shutterstock

Similar draft laws have been submitted in other countries, including the Netherlands. Belgium is poised to finalise its own version of the law while the

Catalan parliament is leading efforts to criminalise ecocide within the wider Spanish penal code.

In Scotland, Labour MSP Monica Lennon is trying to introduce an ecocide bill and will launch a public consultation on the matter in the autumn.

In Brazil, where **deforestation of the Amazon** rainforest has been repeatedly **described as a crime**, political party PSOL put forward an ecocide bill to congress in June.

Rodrigo Lledó, director of Stop Ecocide **Americas** and a member of the panel that developed the ecocide definition, said Brazil's was the first bill of its kind in Latin America to formally enter a national legislative chamber. Other countries in the region, including Argentina and Chile, have also signalled a growing interest.

Lledó stressed that all these draft laws still require parliamentary approval and few have the support of the governing party. "But it is important that people are speaking about it and that some new bills are coming up," he said.

During an Icelandic **parliamentary inquiry** earlier this year into whether the country should recognise ecocide, the prime minister, Katrín Jakobsdóttir, told MPs that her government was following work on an international legal framework on ecocide "very closely".

Although it would be "complicated to implement", she said it was "only a matter of time before this issue becomes the biggest issue in the human rights arena".

In January, the parliamentary assembly of the council of Europe adopted a resolution calling on member states to update their laws to codify a crime of ecocide.

Two months later, the European parliament supported the inclusion of ecocide-level crimes into the EU's revised environmental crimes directive. If this passes unscathed through the EU's full legislative process, then member states will be required to make ecocide a crime through national law.

Jojo Mehta, co-founder and executive director of Stop Ecocide International, said interest in the idea of criminalising ecocide has grown hugely in recent years.

She thinks the broadness of the legal definition, which focuses on environmental consequences rather than specific activities, has been very helpful. “It seems to have landed quite well politically because it’s not finger pointing at any one sector or any one company.

“It also makes it kind of future proof, because one of the tragic things about our attitude to extracting from the planet is that we can never quite tell from one year to the next what dastardly results you’re going to get.”

The move to criminalise ecocide in Mexico comes as the country’s government faces criticism **for its huge Maya train project**, which threatens Indigenous communities and could cause serious environmental damage.

Congresswoman Barrón Perales, whose PRI party is currently in opposition, urged her fellow legislators to stop ignoring the destruction of Mexico’s environment by passing the new bill. “It is time to react and point out these failings in our legislation so that [these harmful acts] are punished with the gravity they deserve. Let them not continue to go unpunished.”

Mehta, who has been working to get the international criminal court to recognise ecocide for many years, said she used to worry that domestic legislation would be a distraction from this higher goal.

“But actually, it seems to be that they’re mutually reinforcing. International criminal law is ultimately supposed to be about elevating the worst crimes to an international level, rather than inventing new crimes. And as more and more national governments start talking about ecocide, more states are starting to listen at the international level.”