

061 Recognising the crime of ecocide to protect nature

TROUBLED that, during the United Nations Decade of Ecological Restoration, environmental criminal laws have not prevented the escalation of the grave degradation of the environment;

RECALLING that IUCN Resolution 7.035 *Promoting IUCN leadership in the implementation of the UN Decade on Restoration 2021–2030* (Marseille, 2020) called on all IUCN Members to take “bold action” to scale up measures to halt and reverse degradation of ecosystems;

ALSO RECALLING IUCN’s recommendations for use of criminal law to protect nature, in particular Resolution 7.038 *Treating organized crime having an impact on the environment as serious crime* (Marseille, 2020), Resolution 6.070 *Crimes against the environment* (Hawai’i, 2016), Resolution 6.076 *Improving the means to fight environmental crime* (Hawai’i, 2016) and Resolution 4.097 *Liability and compensation mechanisms for environmental crimes during armed conflicts* (Barcelona, 2008);

KNOWING that crimes that affect the environment can seriously affect the planet’s geodiversity and its geological processes, and result in the irreparable loss of its geological heritage;

NOTING the report of the Independent Expert Panel for the Legal Definition of Ecocide (June 2021, Stop Ecocide Foundation), clarifying that “‘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”;

RECOGNISING that 15 States have already, by law, established the crime of ecocide;

APPRECIATING that Member States of the European Union (EU) have adopted the EU’s revised Directive on the Protection of the Environment through Criminal Law, Art. 3(3) (2024), under which Member States shall ensure that criminal offences constitute qualified criminal offences “if such conduct causes: (a) the destruction of, or widespread and substantial damage which is either irreversible or long-lasting to, an ecosystem of considerable size or environmental value or a habitat within a protected site; or (b) widespread and substantial damage which is either irreversible or long-lasting to the quality of air, soil or water”; and

ACKNOWLEDGING the proposal submitted by Fiji, Samoa and Vanuatu to the International Criminal Court in September 2024, for amending the Statute of the International Criminal Court to include a new crime of crime of ecocide, which uses the language of the Independent Expert Panel 2021 definition of ecocide;

The IUCN World Conservation Congress 2025, at its session in Abu Dhabi, United Arab Emirates:

1. DECLARES that 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, should be prosecuted as the crime of ecocide under both national and international law;

2. REQUESTS that the World Commission on Environmental Law (WCEL) study the scope and application of the crime of ecocide and evaluate ways in which prosecution of this crime could help restore and rehabilitate ecosystems, and avoid the loss of geodiversity and its geological heritage, with particular reference to the criminal law systems of developing countries and with inclusive consultation;

3. REQUESTS the Director General to disseminate this WCEL report on ecocide to IUCN Members, no later than one year before the World Conservation Congress in 2029;

4. REQUESTS that the IUCN Council provide financial and secretarial support for this report on ecocide by the WCEL;

5. COMMENDS States that have established the crime of ecocide under their national laws;

6. INVITES all States to consider adopting laws to establish the crime of ecocide in their national criminal legal systems; and

7. RECOMMENDS that States Parties to the Rome Statute of the International Criminal Court evaluate whether “widespread, long-term and severe damage to the natural environment”, while encompassed within prohibitions against War Crimes under Article 8(2) (b)(iv), could be clarified by amending the Statute to make ecocide a crime explicitly within the jurisdiction of the Court, in peacetime as well as during armed conflict.