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By George Monbiot,
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Law of Nature

Those who destroy the living world should be charged with the international crime of ecocide

Why do we wait until someone has passed away before we say how much we honour them? I believe we should overcome our embarrassment, and say it while they are with us. In this spirit, I want to tell you about the world-changing work of Polly Higgins¹.

She is a barrister who has devoted her life to creating an international crime of ecocide². This means serious damage or destruction of the natural world and the Earth's systems. It would make those who commission it – such as chief executives and government ministers – individually and criminally liable for the harm they do to others, while creating a legal duty of care for life on Earth.

I believe it would change everything. It would radically shift the balance of power, forcing anyone contemplating large-scale vandalism to ask themselves, "will I end up in the Hague for this?". It could make the difference between a habitable and an uninhabitable planet.

There are currently no effective safeguards preventing a few powerful people, companies or states from wreaking havoc for the sake of profit or power. Though their actions might lead to the death of millions, they know they can't be touched. Their impunity³, as they engage in potential mass murder, reveals a gaping hole in international law.

Last week, for example, the research group *InfluenceMap* revealed that⁴ the world's five biggest publicly-listed oil and gas companies, led by BP and Shell⁵, are spending nearly \$200m a year lobbying to delay efforts to prevent climate breakdown. BP has successfully lobbied⁶ the Trump government to overturn laws passed by the Obama administration to prevent companies from releasing methane – a powerful greenhouse gas – into the atmosphere.

The result – the equivalent of another 50 million tonnes of CO₂ over the next five years – is to push us faster towards a hothouse Earth⁷.

¹ <https://eradicatingecocide.com/about-polly/>

² <https://eradicatingecocide.com/the-law/what-is-ecocide/>

³ <https://eradicatingecocide.com/missing-law/>

⁴ <https://influencemap.org/report/How-Big-Oil-Continues-to-Oppose-the-Paris-Agreement-38212275958aa21196dae3b76220bddc>

⁵ <https://www.theguardian.com/business/2019/mar/22/top-oil-firms-spending-millions-lobbying-to-block-climate-change-policies-says-report>

⁶ <https://unearthed.greenpeace.org/2019/03/12/bp-lobbied-trump-climate-methane-obama/>

⁷ <https://www.pnas.org/content/115/33/8252>

Hundreds of dead dolphins are currently washing up on French beaches⁸, often with horrendous injuries. Why? Because trawler companies fishing for sea-bass are failing to take basic precautions to prevent them from being caught. The dolphins either drown in the nets or, when pulled up wounded, are stabbed to death (to make them sink) by the fishermen. For a marginal increase in profits, the trawler companies could be driving common dolphins towards regional extinction.

In West Papua, which is illegally occupied by Indonesia⁹, an international consortium intends to clear, without indigenous people's consent, 4000km² (the size of Somerset) of stunning rainforest, to plant oil palm. Its *Tanah Merah* project is ripping a hole in the largest expanse of pristine forest left in Asia, swarming with species found nowhere else. According to an investigation by *Mongabay*¹⁰, if the scheme continues, it will produce as much greenhouse gas every year as the state of Virginia.

When governments collaborate (as in all these cases they do), how can such atrocities be prevented? Citizens can pursue civil suits, if they can find the money and the time, but the worst a company will face is a fine or compensation **payments**. None of its executives are prosecuted, though they may profit enormously from murderous destruction. They can continue their assaults on the living planet.

Suits against governments, such as the successful case against the Dutch state¹¹, seeking a legal order to speed up its reduction of greenhouse gases, may be more productive, but only when national (or European) law permits, and when the government is prepared to abide by it. Otherwise, at international summits, where the perpetrators share platforms with the states that should hold them to account, we ask them nicely not to slaughter our children¹². These crimes against humanity should not be matters for negotiation, but for prosecution.

Until 1996, drafts of the Rome Statute¹³, that lists international crimes against humanity, included the crime of ecocide¹⁴. But it was dropped at a late stage of drafting at the behest of three states: the UK, France, and the Netherlands. Ecocide looked like a lost cause, until Polly Higgins took it up ten years ago.

She gave up her income and sold her house to finance this campaign on behalf of all of us. She has drafted model laws¹⁵ to show what the crime of ecocide would look like, published two books¹⁶ on the subject, and, often against furious opposition, presented her proposals at international meetings.

The *Earth Protectors group*¹⁷ she founded seeks to crowdfund the campaign. Recently she has been working with Vanuatu with a view to tabling an amendment to the Rome Statute, introducing the missing law.

⁸ <https://www.independent.co.uk/news/world/europe/dolphins-killed-beach-dead-france-sea-shepherd-atlantic-coast-a8828371.html>

⁹ <https://www.theguardian.com/commentisfree/2018/nov/21/britain-west-papua-colonial-occupation-george-monbiot>

¹⁰ <https://news.mongabay.com/2018/11/the-secret-deal-to-destroy-paradise/>

¹¹ <https://www.theguardian.com/environment/2018/oct/09/dutch-appeals-court-upholds-landmark-climate-change-ruling>

¹² <https://www.theguardian.com/commentisfree/2019/feb/15/planet-children-protest-climate-change-speech>

¹³ https://www.icc-cpi.int/nr/rdonlyres/ea9aeff7-5752-4f84-be94-0a655eb30e16/0/rome_statute_english.pdf

¹⁴ <https://eradicatingecocide.com/summary/>

¹⁵ <https://eradicatingecocide.com/the-law/the-model-law/>

¹⁶ <https://eradicatingecocide.com/polly/books/>

¹⁷ <https://www.missionlifeforce.org/take-action>

Last week, Polly was diagnosed, at the age of 50, with an aggressive cancer that has already spread through much of her body. The doctors have told her she has six weeks to live. Given her determination, and the support of those around her, I expect her to defy the prediction, that she has met with amazing fortitude.

"If this is my time to go," she told me, "my legal team will continue undeterred. But there are millions who care so much and feel so powerless about the future, and I would love to see them begin to understand the power of this one simple law to protect the Earth, to realise it's possible, even straightforward. I wish I could live to see a million Earth Protectors standing for it — because I believe they will."

She has started something that will not end here. It could, with our support, do for all life on Earth what the criminalisation of genocide has done for vulnerable minorities: provide protection where none existed before.

Let it become her legacy.

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