Chapter 17

The Protection of the Environment under the Rome Statute

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Abstract

The protection of the environment has long been part of the discourse of international humanitarian law, as has so-called "ecocide" within international criminal law. However, neither of these strict and detailed regimes of international law explicitly articulate the absolute and unrestricted protection of the environment during armed conflicts. Noted only implicitly, it remains subject to the interpretation of the relevant existing norms. This article provides a comprehensive normative overview of this particular topic. This analysis focuses on binding international treaty provisions, customary international law–having emerged from State-based domestic rules and internationally accepted customs–and other relevant, chiefly non-binding documents with soft law characteristics. This article reviews the most relevant treaties, including the 1949 post-war four Geneva Convention (as the basis of international humanitarian law), the 1976 Environmental Modification Convention, Additional Protocol I and II of 1977, and the 1998 Rome Statute, among other relevant multilateral environmental agreements. Particular focus is placed on criminal and humanitarian issues as well as soft law mechanisms under the United Nations universal system. This article evaluates the meaning and interpretation of the 1998 Rome Statute, concluding that the protection of environment can be interpreted under this Statute.

Keywords: ecocide, Rome Statute, causality, environmental damage, war crimes

Gábor Kecskés (2025) 'The Protection of the Environment under the Rome Statute'. In: Nóra Béres (ed.) *The ICC at 25: Lessons Learnt*, pp. 375–388. Miskolc–Budapest, Central European Academic Publishing.

https://doi.org/10.54237/profnet.2025.nbicc_17

1. Introduction

This article presents a normative overview of the protection of environment under the relevant norms of international criminal law and international humanitarian law. As the category of environmental crimes is not an *expressis verbis* crime under the existing normative regimes, it is worth analysing the entire field of environmental protection in terms of criminal aspects under international criminal law regimes.

Unfortunately, even early humans found ways to intentionally damage their natural surroundings, particularly where doing so to the environment of other groups could indirectly promote their "military" aims. There is no end to the list of such activities over the course of human history. A "historical breakthrough" occurred in 1990–1991, when Iraq annexed Kuwait, triggering the Gulf War, and intentionally burned hundreds of oil wells in the territory of Kuwait, causing well-documented, widespread environmental harm. The deplorable impacts of these acts were broadcast in real time by globally accessible telecommunication channels, leading to significant public outcry.[1]

That said, it is worth noting that the emergence of new forms of warfare in the nineteenth century resulted in every international armed conflict severely damaging and spoiling the natural environment. Consequently, the protection of the environment under international humanitarian and criminal regimes has gradually entered discussions on the lawmaking process. However, the meaning of protection of the environment can be two-fold. In the first case, the environment itself is the protected object, and it is here that the term "ecocide" emerges.[2] In the second–and potentially more viable–case, the protection of the environment is essential for the protection of individuals by mitigating detrimental effects on humankind, including potential genocide or war crimes, given that the destruction of the environment can lead to a significant decline in the quality of life, triggering conflict. Therefore, consciously intended environmental damages can cause significant loss and suffering, potentially but not necessarily inducing serious international crimes.

Despite the somewhat narrow title, this analysis goes well beyond the text of the Rome Statute to include the most relevant laws, rules, and practices dealing with the protection of the environment within the fields of international criminal law and international humanitarian law.

1 Roberts, 1993, pp. 538–553; Warbrick, 1991, pp. 482–492.
2 Cf. Frisso, 2023, pp. 1–22; Palarczyk, 2023, pp. 147–207.

2. Ecocide as a Wishful Concept

Regarding the notion of "ecocide", it is important to recognise that ecocide is not considered an international war crime at present, at least not directly, and is currently bound to the theoretical literature. That said, some forms of ecocide can be labelled war crimes. Moreover, while the 1998 Rome Statute, and its amendments, does not explicitly list environmental crimes, the four core crimes it covers–namely, genocide, war crimes, crimes against humanity, and crime of aggression–can have significant environmental consequences. The concept of ecocide, that is, the intentional destruction of the environment, is gaining increasing attention as a so-called "fifth crime" under the jurisdiction of the International Criminal Court (ICC). Following protracted debate on the term "ecocide", the best definition was provided by the Independent Expert Panel for the Legal Definition of Ecocide in 2021. This non-binding, NGO-backed opinion proposed the amendment to the Rome Statute, specifically, amending Article 8 of the Rome Statute by adding Article 8*ter*. The Independent Expert Panel defined ecocide as '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'.[3] They added that "wanton" 'means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated', while the word "severe" refers to damage 'which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources'. The Independent Expert Panel also defined the terms "widespread", "long-term", and "environment" as used in the material.[4]

Five years prior to the 2021 non-official proposal, the Office of the Prosecutor of the ICC published a policy document entitled, 'Policy Paper on Case Selection and Prioritization' (15 September 2016), which contended that 'the destruction of the environment, the illegal exploitation of natural resources or the illegal dispossession of land' can be considered war crimes.[5]

Based on the aforementioned documents, the common elements of ecocide can be understood to comprise: (i) environment as a victim, (ii) the meaning of harm,

3 Kai Ambos persuasively argued that the ecocide should also cover any unlawful and wanton conduct irrespective of whether they are committed under the aegis of military activity. Ambos also emphasised that the anticipated environmental damage is defined partly cumulatively and partly alternatively, and that the "substantial likelihood", rather than the certain occurrence, of the environmental damage is the object of reference of the mental element. Ambos, 2021.

4 "Widespread" means damage that extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings. "Long term" means damage that is irreversible, or which cannot be redressed through natural recovery within a reasonable period of time. The term "environment" means the Earth, its biosphere, cryosphere, lithosphere, hydrosphere, and atmosphere, as well as outer space. Cf. Independent Expert Panel for the Legal Definition of Ecocide, 2021.

5 Policy Paper on Case Selection and Prioritization, 2016.

and (iii) the causal nexus (serious causality link) between the harm and the committed activity or omission thereof.

Analysing these literature-based and non-official proposals raises serious questions that cannot be resolved as yet, indicating an almost negligible chance for successful lawmaking. Assuming that we are living in a deteriorating environment amidst global biodiversity mass extinction and huge environmental challenges, then the first question that needs to be answered is what the threshold for destruction is, and to what extent an individual can be held responsible. This fundamental question of criminal law cannot be resolved theoretically, suggesting that the term "ecocide" is a concept for legal scholarship rather than a plausible amendment within the normative field of international law. However, domestic legal systems, such as French and Belgian criminal law, already regulate ecocide as a separate criminal offence.

3. The Normative Background of International Environmental Crimes

3.1. The Environment and the Rome Statute

The 1998 Rome Statute does not mention environmental crimes in an *expressis verbis* fashion.[6] Nonetheless, it is easily inferred that the destruction of the environment can be a war crime. War crimes are listed within Article 8, para (2) of the Rome Statute. Article 8 (2) (b) defines "war crimes" as:

> *(b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:*
>
> *(i) Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;*
>
> *(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;*
>
> *(iii) Intentionally directing attacks against personnel, installations, material, units or vehicles involved in a humanitarian assistance or peacekeeping mission in accordance with the Charter of the United Nations, as long as they are entitled to the protection given to civilians or civilian objects under the international law of armed conflict;*
>
> *(iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment*

6 Freeland, 2015; Gillett, 2017, pp. 220–253; Gillett, 2022, pp. 53–133.

which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

From the aforementioned concept of war crimes, only point (iv) has definitive relevance, as it highlights the damage to the natural environment. This specific part of the definition comprises the following elements: (i) the perpetrator intentionally launched an attack; (ii) with the knowledge that such attack would cause incidental loss of life or injury to civilians or damage to civilian objects; (iii) or widespread, long-term, and severe damage to the natural environment; (iv) which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated. The latter point is the most problematic part of the cited definition, as this "advantage" is rarely communicated or transpires in an anticipatory manner. Indeed, the exact meaning of "military necessity" and "military advantage" can be arbitrarily communicated and interpreted by the States involved in the activities, even by the specific State that committed the violation or attacked first. Should widespread, long-term, and severe damage to the natural environment be determined, the "excessive" character of the 'concrete and direct overall military advantage anticipated' is almost certainly controversial and arguable. Moreover, regardless of whether the long-term and severe environmental damage and negative effect on the environment take place immediately after the committed crime or occur years later, a potential issue arises when the direct cause between the crime and the damage cannot clearly established.

However, the ICC published a document entitled, 'Elements of Crimes',[7] in which the Court identified five elements of a 'war crime of excessive incidental death, injury, or damage' (Article 8 [2] [b]). First, the perpetrator launches an attack. Second,

[T]he attack was such that it would cause incidental death or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment and that such death, injury or damage would be of such an extent as to be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

Third, the perpetrator knows that,

[T]he attack would cause incidental death or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment and that such death, injury or damage would be of such an extent as to be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

7 Elements of Crimes, no date.

Fourth, the conduct (i.e. the potential crime) is closely interlinked to an international armed conflict. Finally, the perpetrator is 'aware of factual circumstances that established the existence of an armed conflict'.

In addition to war crimes, the Rome Statute touches on environmental damage as an element of genocide (Article 6 [c]). Carrying out an activity 'deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part' may also involve the significant destruction of the environment, thereby invoking reference to the crime of genocide according to Article 6, point (c) of the Rome Statute. Genocide as defined by the Rome Statute, may include acts with the intent to destroy a national, ethnic, racial, or religious group, which could involve environmental destruction as a means of achieving this goal.[8]

Similarly, based on Article 7 point (k) of the Rome Statute, environment-related crimes can theoretically take the form of crimes against humanity, that is, as inhumane acts of a similar character that intentionally cause 'great suffering, or serious injury to body or to mental or physical health'. The activities behind crimes against humanity can constitute acts causing extensive environmental harm, leading to the displacement of populations and the destruction of livelihoods.

Therefore, the following question arises: Does the Rome Statute implicitly include environmental crimes? In a nutshell, the clear legal answer is no, as international criminal law requires normative clarity in terms of threshold, causal nexus, and culpability.[9] These concerns cannot be assuaged through the vague notions mentioned above and merely potential (and by no means certain) impacts.

This raises a further question: If the Rome Statute is relatively silent on environmental crimes, what about other regimes of international lawmaking? The following subsections answer this question.

3.2. Protection of the Environment/Prohibition of the Destruction of the Environment in Other Treaties

There are several widely and even globally ratified and binding international treaties prohibiting activities that severely endanger the environment or cause serious environmental harm. However, this does not necessarily mean that these activities can be considered international crimes by the same legal provision.

Although the history of international environmental law is remarkably brief, having originated with the 1972 Stockholm world summit, the quality and condition

8 It is worth mentioning that in the Al-Bashir case, Al-Bashir was charged with (but not convicted of) genocide under Article 6(c) of the Rome Statute for ordering the deliberate destruction and poisoning of water sources.

9 However, another position is also conceivable given that the mentioned provisions of the Statute are relatively precise, whereby a person commits a crime if they intentionally launch an attack knowing that the attack will cause widespread, lasting, and serious damage to the natural environment. Such wording can form the statutory definition of a criminal offence in a Criminal Code.

of the environment was already being brought to the attention of the States amid earlier efforts to create laws to regulate warfare.

The Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925) declared the prohibition of 'the use of bacteriological methods of warfare and agree to be bound as between themselves'. Although clearly not an environmental-focused norm, as it focused on human health, it reflected the necessary restrictions of the use of almost unlimited armed violence in interstate relations.

Decades later, the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (BTWC) (1972) prescribed the observation of all necessary safety precautions for the protection of the population and the environment against all agents, toxins, weapons, equipment, and means of delivery specified the convention itself. Regarding the specific concerns, the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (World Heritage Convention) (1972) includes Article 7, in which the contracting parties, namely, the States, agreed to the international protection of the world's cultural and natural heritage through international co-operation and assistance in order to conserve and identify that heritage.

Thereafter, the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and On Their Destruction (1993) placed the highest priority on ensuring the safety of people and protecting the environment. Meanwhile, in the 2008 Convention on Cluster Munitions, the States undertook to ensure that destruction methods comply with applicable international standards for protecting public health and the environment.

However, the importance of these treaties cannot be compared to the significance of the UN Convention on the Prohibition of Military or Any Other Use of Environmental Modification Techniques (hereinafter, ENMOD), which was adopted in 1976. Signed under the auspices of the UN, this legal measure is a cornerstone of environmental protection during armed conflicts. The basic philosophy of the ENMOD holds that States will refrain from engaging in military or any other hostile use of environmental modification techniques with widespread, long-lasting, or severe effects (Article I). According to Article 2 of the ENMOD, the 'term "environmental modification techniques" refers to any technique for changing–through the deliberate manipulation of natural processes–the dynamics, composition or structure of the Earth, including its biota, lithosphere, hydrosphere and atmosphere, or of outer space'.

A year later, having witnessed several seriously detrimental and devastating methods of warfare (e.g. the use of gas, napalming of rainforests, and the nuclear weapon arms race), several members of the international community adopted two additional protocols to the 1949 Geneva Conventions.

Regarding the general norms of military and humanitarian law, reference should be made first and foremost to Additional Protocol I to the Geneva Conventions of 1949

(protection of victims of international armed conflicts).[10] In this respect, based on expert opinions and treaty provisions as well as State practice, the customary nature of humanitarian law is reflected by customary international humanitarian law.

According to the Fourth Geneva Convention of 1949,[11] included Article 53,

> *[A]ny destruction by the Occupying Power of real or personal property belonging individually or collectively to private persons, or to the State, or to other public authorities, or to social or co-operative organizations, is prohibited, except where such destruction is rendered absolutely necessary by military operations.*

The 1949 State-based legislative objectives were cautious towards environmental damage. In the 1977 Protocols, crafted some 28 years later, States made greater efforts to include the destruction of the environment in the extended treaty regime. The Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of International Armed Conflicts (Protocol I) highlights the environmental aspects in international humanitarian law regime. The general prohibition of employing methods or means of warfare causing or potentially causing widespread, long-term, and severe damage to the natural environment stems from the basic rules of Protocol I (Article 35). However, the gravity of environmental protection within international humanitarian law stems from Article 55, which reads:

> *[C]are shall be taken in warfare to protect the natural environment against widespread, long-term and severe damage. This protection includes a prohibition of the use of methods or means of warfare which are intended or may be expected to cause such damage to the natural environment and thereby to prejudice the health or survival of the population.*

The second additional protocol–Additional Protocol to the Geneva Conventions of 12 August 1949, and Relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II)—has also been adopted for the protection of victims of non-international armed conflicts. It mirrors Protocol I's rules regarding the protection of objects (foodstuffs, agricultural areas for the production of foodstuffs, crops, livestock, drinking water installations, and supplies and irrigation works) indispensable to the survival of the civilian population (Article 14), as well as the protection of works and installations containing dangerous forces (Article 15).

In short, while the protection of environment in international criminal and humanitarian law is formulated in binding international treaties, there remains a marked lack of detailed rules.

10 Additional Protocols I and II to the Conventions for the Protection of Victims of War, concluded at Geneva on 12 August 1949.

11 Geneva Convention Relative to the Protection of Civilian Persons in Time of War of 12 August 1949 (Geneva Convention IV).

3.3. Protection of the Environment/Prohibition of the Destruction of the Environment in Customary International Law and Other Non-Binding Documents

Broadly speaking, regulation of the protection of the environment does not have a long history in international law. The first general international environmental, albeit non-binding, document was the 1972 Stockholm Declaration on Human Environment. According to this globally accepted soft law declaration,

States have the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction (Principle 21).

States are responsible for ensuring that activities within their jurisdiction and control do not cause damage to the space of other States or outside the limits of State jurisdiction. This was maintained in Principle 2 of the 1992 Rio Declaration on Environment and Development, which almost repeats the exact wording of the Stockholm Declaration adopted two decades before. In this respect, a crucial field was the avoidance of warfare using environmentally detrimental weapons and methods. The application of international humanitarian law rules to environmental warfare shall, of course, also be applicable to any State territories and other territories beyond any States' jurisdiction.[12]

Nonetheless, the most extended and detailed reference on environmental "crimes" or international crimes involving the destruction of the environment appeared in the customary international and soft law documents, as well as the NGO-based materials.

First, the International Committee of the Red Cross (ICRC) published an important manual (of a customary nature) on the rules of armed conflicts, compiling the most detailed and elaborated collection and database of laws, customary norms, and State practices.[13]

In terms of global recognition, the UN General Assembly adopted Resolution 47/37 on the protection of the environment in times of armed conflict before passing important legislation in the late 1990s and early 2020s. Although a recommendation by legal standards, UN General Assembly Resolution 47/37 urged Member States to take all measures necessary to ensure compliance with existing international law applicable to the protection of the environment in times of armed conflict by ratifying and incorporating the relevant provisions of such law. It also encouraged the UN Secretary-General to invite the ICRC to report on both its own activities and those of other relevant bodies with regard to the protection of the environment in times of armed conflict.

12 Henckaerts and Doswald-Back, 2009, pp. 143–158.

13 26th International Conference of the Red Cross and Red Crescent, 1996, p. 58.

On account of the relevant treaties and international custom accepted and followed by States, as well as the relevant domestic legal measures and State practices (especially State military manuals), there is a widescale and accurate compilation of international humanitarian rules,[14] some of which are closely linked to the protection of the environment. According to Rule 9, the definition of civilian objects includes the natural environment as well. Furthermore, Rules 14 and 15 (proportionality and precautions in attack) underscores respect for the environment in military attacks, while Rules 42 and 43 focus on the special protection of the environment in the case of attacks on works and installations containing dangerous forces as well as the need for the application of the general principles on the conduct of hostilities to the natural environment. Rules 44 and 45 are of the utmost importance within the given field. The customary nature of Rule 44 emphasises due regard for the natural environment in military operations. According to this specific rule, the methods and means of warfare must be conducted with due regard to the protection and preservation of the natural environment by taking all feasible precautions to avoid and minimise damage to the environment. Additionally, behaviour in armed conflict causing severe and widespread damage to the environment is to be condemned.

Adding to the requirement of "due regard" stipulated in Rule 44, Rule 45 (causing serious damage) forbids the destruction of the natural environment by the causing of serious damage as a weapon in military conflicts. Additionally, Rule 147 prohibits reprisal against the natural environment.[15]

In terms of the newest and most topical initiatives and customary-based documents, the 2020 Guidelines on the Protection of the Natural Environment in Armed Conflict (hereinafter, 2020 Guidelines) and the 2022 Draft Principles on Protection of the Environment in Relation to Armed Conflicts (International Law Commission) must be highlighted. The ICRC adopted the 2020 Guidelines as a non-binding collection of rules (of a customary law nature at most) based on existing binding treaty provisions and customs accepted by the States and in domestic State practice. The rules included in the 2020 Guidelines reflect due regard for the natural environment in military operations; the prohibition of widespread, long-term, and severe damage to the natural environment; the prohibition of using the destruction of the natural environment as a weapon; and the prohibition of attacking the natural environment by way of reprisal (i.e. Rules 1–4).

Beyond the relevant rules within international treaties mirrored in the customary rules of humanitarian international law and the previously mentioned 2020 Guidelines, the International Law Commission (ILC) completed the long overdue task of adopting the Draft Principles on Protection of the Environment in Relation to Armed Conflicts in 2022. Having fulfilled its mandate and competence, the ILC prepared the customary law aspects of the topic and recommended the progressive development

14 Henckaerts and Doswald-Back, 2009.
15 Henckaerts and Doswald-Back, 2009.

of international law on this topic. These non-binding draft principles, which have since been added to the agenda of the UN General Assembly and Member State governments, contribute to the topic by adding requirements for the prevention, notification, mitigation, remedy of harm, and assistance in the case of damage to the environment. General obligations to the States include striving for the sustainable use of natural resources, designation of areas of environmental importance as protected zones in the event of an armed conflict, and exploring the specific protection of the environment of indigenous peoples.

Among the draft principles, some are worth further attention. Regarding the so-called *Martens Clause*,[16] with respect to the protection of the environment in relation to armed conflicts, the ILC asserts that, 'in cases not covered by international agreements, the environment remains under the protection and authority of the principles of international law derived from established custom, from the principles of humanity and from the dictates of public conscience'.

Principle 13 establishes three essential elements with respect to the protection of the environment during armed conflicts. First, the natural environment shall be respected and protected in accordance with applicable international law based on treaties and international custom accepted by the States. Second, care shall be taken to protect the environment against widespread, long-term, and severe damage; and the use of methods and means of warfare that are intended, or may be expected, to cause widespread, long-term, and severe damage to the environment is prohibited. Third, no part of the environment may be attacked, unless it has become a military objective. This third element can trigger dispute as decisions regarding "military objectives" fall within the margin of discretion and broad decision-making competence of the States or State, including that launching an attack. Such uncertainty complicates the uniform interpretation of the application of this specific principle.

Furthermore, mirroring the primary cornerstone of the ENMOD, Principle 17 emphasises that, 'environmental modification techniques States shall not engage in military or any other hostile use of environmental modification techniques having widespread, long-lasting or severe effects as the means of destruction, damage or injury to any other State'.

These rules thus include a number of exceptions to the prohibition. Nonetheless, the rules of law of armed conflicts and international humanitarian law shall be applied in cases where these exceptions emerge.

16 Ticehurst, 2010.

4. Conclusion

As this article has shown, there are not clearly articulated norms prohibiting ecocide, as the term "ecocide" is not defined normatively in international binding measures. That said, the destruction of the environment can be a war crime if the widespread and serious detrimental effects on the environment directly impact individuals. For the potentially and only theoretically existing "fifth crime" of ecocide, it should be noted that this term remains bound to the legal literature at present. As discussed above, while the definition of the term is a promising step, the chance of this NGO-based term and definition being implemented are negligible. Consequently, the victimisation of the environment (under the form of ecocide) is not subject to international criminal law, and the chances of it being so are extremely low, if not zero.

Furthermore, serious problems within international environmental norms are also appearing within the field of international criminal law. For instance, the lack of clear and widely accepted rules on causality, culpability, or threshold hinders efficient legal norms and solutions. As the best-case scenario, the abovementioned 'Martens Clause for the environment' may help in resolving some of these problems. However, in international criminal law, a vague, abstract, and literature-based Martens Clause-like solution is insufficient to label the activities or omission thereof of individuals or groups of individuals as crimes. The inherent problems and shortages typical of international criminal and humanitarian law (i.e. lack of important ratifying States, and unclear and vague provisions) remain obstacles in the protection of the environment. Compounding matters, the term "military necessity" (the source of which is mainly the state practice) is rather vague and voluntarily permittable by the States themselves.

The Rome Statute touches on the environment under the aegis of war crimes (Article 8 [2] [iv]), and there are several binding treaties and guidelines or draft documents dealing with the protection of the environment during armed conflicts. There is also a clear and growing trend in international lawmaking, including the phase of preliminary document drafting, that the environment should be included in the gravity of lawmaking as a protected object, an element with rights, and within the more precise scope of human–environment connection. Furthermore, the recent 2020 Guidelines and 2022 ILC Draft Principles may have enduring impact on the development of more diligent efforts in environmental law- and policy-making. In sum, on the short-term horizon lies the potential for legal and political shifts able to transform the protection of the environment into a more efficient regime.

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