

# Killing Nature Must Be Treated As A Crime On A Par With Genocide And War Crimes



CJ

*Polychroniou*

*The time has come for drastic measures to protect the environment and save the world from a climate catastrophe.*

The first United Nations Scientific Conference on the Environment, also known as the First Earth Summit, was held in Stockholm, Sweden, from June 6-15, 1972. It [established](#) a Declaration of Principles and adopted an action plan with recommendations for the preservation and enhancement of the environment. Furthermore, and perhaps more importantly, it led to the creation of the United Nations Environment Programme (UNEP).

Since then, environmental issues and climate evolution have figured prominently on the global agenda, yet pledges made to protect the environment and reduce emissions are not being fulfilled. Without an international enforcement mechanism, governments are not legally bound to make good on their commitments, for example, to slash greenhouse gas emissions in half by 2040, which is what Biden [pledged](#) that the US will do.

Equally significant, environmental legislation aimed at imposing criminal penalties on corporations and their officials remains weak and, in some countries, even non-existent. In the US, where several types of criminal violations are specified in the Clean Air Act and whose definition of an air pollutant includes greenhouse gas emissions, following a 2007 US Supreme Court ruling on the matter, many states regularly look the other way when it comes to protecting public health and the environment from illegal air pollution from oil refineries and chemical plants. Texas, for example, [failed](#) between 2011 and 2016 to penalize 97 percent of illegal polluters.

Perhaps unsurprisingly, the top two US greenhouse gas emitting companies listed in the new edition of [Greenhouse 100 Polluters Index Report](#) by researchers at the renowned Political Economy Research Institute (PERI) at the University of Massachusetts-Amherst are based in Texas. Vista Energy and Duke Energy released a combined 194 million tons of CO<sub>2</sub>-equivalent greenhouse gas emissions into the atmosphere in 2019, and this figure does not include biogenic carbon dioxide emissions (emissions released by a stationary facility from the combustion or decomposition of biologically-based materials other than fossil fuels).

Under the Trump administration, polluters and corporate interests had more freedom than any other time over the past few decades to destroy the environment. More than 125 environmental regulations were rolled back during Trump's nightmarish reign of power.

Of course, let's not forget the US military's carbon footprint, which spews so much greenhouse gas emissions from fuel usage alone that if it were a country it would rank as the 47th worst polluter in the world, according to a 2019 report [released](#) by social scientists at Durham University and Lancaster University in UK.

In the meantime, China has [emerged](#) as the world's biggest greenhouse gas emitter, with 60 percent of its power provided by coal, although it is still [far behind](#) the US in terms of per capita emissions.

Thus, nearly half a century after the First Earth Summit, most environmental problems have worsened, and nature and climate are subsequently on the verge of breakdown. The rate of species extinction is accelerating, [according](#) to scores of scientific studies, and there continues to be a [relentless rise](#) in carbon dioxide in the atmosphere caused by the burning of fossil fuels like coal and oil which causes temperatures to rise, producing the phenomenon of global warming.

Essentially, what we have is a cause-and-effect relationship between anthropogenic climate change and species extinction. Higher temperatures lead to a chain reaction of other changes around the globe, with tremendous impact not simply on people but also on wildlife and biodiversity. Today's extinctions proceed at a pace faster than ever before, with around one million species already facing extinction, "many within decades," according to a major United Nations 2019 [report](#).

The time has come for drastic measures to protect the environment and save the

world from a climate catastrophe. Polluting the environment is a crime, but environmental criminals are almost never prosecuted. Environmental crime is still regarded a “white collar crime,” subject mostly to civil charges and accompanied by fines, when the reality on the state of the planet mandates that environmental destruction be conceptualized as a crime against humanity.

Fines are surely not enough to deter greedy and ruthless capitalists from destroying the environment, even if fines happen to be as steep as those involved in the historic greenhouse gas enforcement case between the US Environmental Protection Agency (EPA) and Hyundai and Kia that forced the automakers to pay \$100 million civil penalty for, among other wrongdoings, [emitting more greenhouse gases than reported to EPA](#) or, even more recently, of the seemingly humongous fine of \$1 billion levied against German automakers Volkswagen and BMW by the European Union. Both automakers were [fined](#) for colluding to curb the use of emissions cleaning technology.

For the record, Volkswagen has a long cheating emissions history, yet it continues to get off easy. The reason is that Germany doesn’t even have criminal liability for corporations, and only recently has there been a move to [introduce such a legal framework](#). In Europe, in fact, “there is no penalty for environmental crime,” [according](#) to EU environmental commissioner Virginijus Sinkevicius.

Yet another reason why fines won’t deter polluters is because the costs of such penalties get passed onto shareholders and even to consumers rather than being borne by the culpable individuals.

Prison sentences must be embraced for environmental crimes, although it is clear that environmental crime cannot be synthesized into a single category. Severe environmental crimes (any crime that brings about an alteration of global commons or the Earth’s ecological system, such as, for example, the destruction of the Amazon forest under the Bolsonaro administration) should be accompanied by severe imprisonment sentences.

The harmful effects of environmental degradation—impact on human health, loss of biodiversity, atmospheric changes, scarcity of natural resources—are beyond dispute. Therefore, the killing of nature must be [added to the list of the most](#)

[horrific crimes imaginable](#). Ecocide must be elevated into an international crime—on a par with genocide and war crimes—and fall within the jurisdiction of the International Criminal Court.

If we want to save the Earth, there is no way around it.

As for those who may object to severe imprisonment sentences as an effective answer to severe environmental crimes, there is considerable evidence from available studies looking into whether the criminal prosecution of war criminals [can prevent and deter crimes against humanity](#) indicating that everything depends on the credibility of the institutions involved and that the conditions have to be just right.

Still, even if doubts persist about the deterrent effects of harsh imprisonment for systemic environmental damage, one thing is certain: leaving intact the existing legal response to environmental crime will ensure that the planet is doomed.

Source:

<https://www.commondreams.org/killing-nature-must-be-treated-crime-par-genocide-and-war-crimes>

*Our work is licensed under Creative Commons (CC BY-NC-ND 3.0). Feel free to republish and share widely.*

*C.J. Polychroniou* is a political economist/political scientist who has taught and worked in numerous universities and research centers in Europe and the United States. His latest books are [The Precipice: Neoliberalism, the Pandemic and the Urgent Need for Social Change](#) (A collection of interviews with Noam Chomsky; Haymarket Books, 2021), and [Economics and the Left: Interviews with Progressive Economists](#) (Verso, 2021).