

# Balancing the scales of justice and nature

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## KEY WORDS

Ecocide Directive, Ecocide law, natural law

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**A healthy bio-diverse environment has the makings of something greater; a place where life flourishes is beneficial at a far wider level than just the immediate vicinity. Yet when it comes to the well-being of the Earth, most business operates on a net deficit, leading to extensive damage, destruction to or loss of ecosystems. The law of Ecocide will prohibit this and will remedy the imbalance that we see playing out in nature on a global scale. An international law of Ecocide brings three primary benefits (in the business sector): it will assist the world in meeting its current international climate change obligations, ensure this is achieved at least cost to all of our domestic economies and provide the legislative framework necessary to accommodate developments in the green economy. Instead of living in a world where we fear for our children's future we can live in a world of peace.**

Deep in our hearts we are driven by the desire to foster life. Species extinction occurs when the imbalance of well-being is so tipped out of kilter that survival is no longer possible. Well-being is not only the state of our health but also the state of our community's well-being and the interplay between both. As is well understood by many, our well-being and the well-being of our community are interconnected and interdependent. This we know as a scientific fact and this we know from indicators such as what we see playing out just now with climate change, extreme weather events and tipping points of extinction rates escalating every year. It is not our number one motivator to destroy: that is something that our human world has imposed upon us. Laws that put profit first are laws that fail to look to the consequences and fail to prevent mass damage and destruction (figure 1). What we consider to be the norm, to make money out of destruction, runs contrary to our natural state of being. We are acting against our best interests and we are acting from a place of cognitive dissonance. When we step back and examine what we are doing, when we create a space to open our eyes and really see – we see that our existing way of doing business no longer works. Most business operates on a net profit basis, yet when it comes to the well-being of the Earth, most business operate on a net deficit: business that is causing net negative rather than net positive outcome is at odds with natural law.

## Flourishing life

Natural law has a sacred duty to put life first. Fostering the best conditions for life to flourish is the ultimate goal and nature works best when well-being is flourishing. Look at a plant - any plant; it cannot live in isolation. A plant, needs carbon, oxygen, sunlight to survive. It may suffer if it has nothing more (or it may flourish, depending on its individual needs) but most plants, like most humans, thrive when introduced into bio-diverse conditions that bring harmony and well-being. When plants have their basic needs met, their well-being is fed by

the very life around them. Instead of struggling, plants flourish when their well-being is optimized. For many plants this means interacting with a harmonious community of well-nourished and well-fed beings – in permaculture terms this is about companion planting in the best conditions. A healthy bio-diverse environment has the makings of something greater; a place where life flourishes is beneficial at a far wider level than just the immediate vicinity. Take the Amazon, one of the world's largest carbon sinks. As it suffers from depletion and destruction, so there is a knock-on impact in terms of global atmospheric levels of greenhouse gas emissions escalating as its inability to function and store carbon is lost. In turn, instability of our climate results. What happens over there can affect us over here. Thus, it is in all of our interests – both human and non-human – to foster well-being of our habitat.

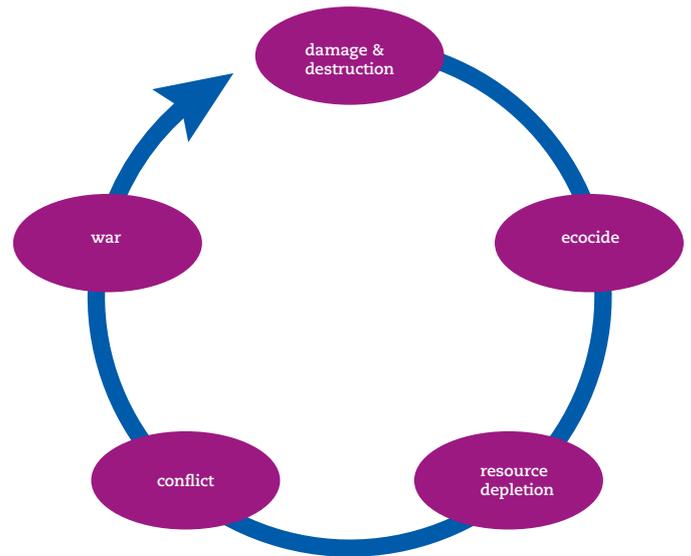
## Peace vs. conflict

Affirmation of life rather than pursuit of conflict is a route to peace. It may sound vague, but in fact this is grounded in good sense. Take a community – look to your own – and examine what works best. When we enable others to flourish we bring harmony into being; when we end up at odds with each other, life can quite literally unravel before our very eyes. Conflict brings more disease which if left unchecked can manifest into illness. Look to what is now referred to as 'toxic work environments'. Reports tell us that employee illness and turn-over is far higher there than businesses that value their teams. Apply that to the wider Earth Community and the same patterns of conflict and peace emerge. When there is no check and balance by other plants or other species, a plant can become either extinct or run rampant. Like a child who has not being given the parameters of what works and what does not; some plants can take-over and spread their being to the extent that all other life becomes suffocated. Rather than imposing restrictions or curtailing, companion planting can act as the best solution. Put in place the best conditions for each plant to work in harmony with each

other and nature will take its course and find the optimum level for each plant to thrive. The question is; why do we not use the same principles in human life?

### Finding solutions

Within every problem lies a solution. The challenge is to find it. It's like a game, only we are challenged to work out the ground rules first. If our starting point is simply to foster life, we set out on a route that will lead us to peace. However, if we start from the premise that we are here to dominate and control, we will in turn restrict life itself and whilst our personal gain may be assured in the short-term, in the long-term the damage and destruction has far longer implications. Look to most successful businesses today; the majority are based on a system that no longer works – one that is based on short-term and limited gain. The easiest way to make money fast is to amass as much property as possible and sell the product as fast as possible. Whilst a few people stand to gain much, many stand to lose out and it is a game where only a few succeed. There is another game that can be played; a game based on nature's own way of doing business. Nature – when in a state of harmony – does not rule by domination. When nature is in balance, many species thrive and flourish. Nature does not own, nature gives her life to the benefit of the wider community. Take for example a forest; the trees provide food and shelter for many other species. Even in death a tree continues to give so much, eventually returning to the soil as a valuable form of nutrient replenishment.



1. Making money out of damage and destruction results, among others, in ecocide.
1. Geld verdienen door beschadigen en vernietigen resulteert onder andere in ecocide.



2. A law of Ecocide will change our future.
2. Een wet die Ecocide verbiedt zou onze toekomst veranderen.

## Law of Ecocide

So what does this have to do with our laws today? One law that will remedy the imbalance that we see playing out in nature on a global scale is the law of Ecocide. It is a law that prohibits extensive damage, destruction to or loss of ecosystems. Therefore, companies and individuals will be held responsible for committing ecocide according to criminal law and the principle of superior responsibility ensures that those in a position of power are held to account in a court of law in the event that there has been a failure to adhere to the overriding principle of 'first do no harm'. In 2012 a Concept paper, 'Closing the door to dangerous industrial activity' was submitted to all governments. It set out the legal premise for a law of Ecocide and the roadmap for implementation. At the Copenhagen climate negotiations in December 2009, it was agreed by virtually all governments that anything over two degrees Celsius increase in temperature is 'dangerous'. There is now supporting evidence (OECD 2012) to say that before the end of the century we are looking at a 3-6 degrees Celsius increase in temperature as a result of continued use of fossil fuel. Thus it can be argued that to continue with existing industry that puts humanity at risk of loss of life is a breach of the human right to life. Continued use of fossil fuel, and its contribution as a carbon major is arguably a dangerous industrial activity for humanity as a whole. Where dangerous industrial activity puts humanity at risk of loss of life, governments have a duty of care to act.

An international law of Ecocide brings three primary benefits in the business sector: it will assist the world in meeting

its current international climate change obligations, ensure this is achieved at least cost to all of our domestic economies and provide the legislative framework necessary to accommodate developments in the green economy. Here in the EU we can drive the agenda forward; a fast-track path has opened this year. A European Citizen's Initiative for an Ecocide Directive has been accepted. All it needs are one million votes from EU citizens for it to be tabled next year in the European Parliament.

What we do next is up to us. Continue on the path of damage and destruction and we shall all suffer. Stop and say Enough and a new world based on life can emerge. This is our legacy – to look to the future and put in place the enabling conditions that will foster well-being for not only our businesses, but also our people and our planet. The consequences of a law of Ecocide are far-reaching; what I have set out is a path to a world that is paved with the promise of a land that is allowed to flourish. Just imagine what that could look like; instead of dangerous industrial activity, our energy resources can be from life affirming processes, instead of destroying ancient arboreal forests and wetlands we shall prioritise the planting of more, instead of living in a world where we fear for our children's future we can live in a world of peace. This is one law that can effect change in our lifetimes (figure 2).

We have less than one year to make a difference – I for one am committed to doing my part and I know that many others will help too. You can vote to make this law a reality – just go to [www.endecocide.eu](http://www.endecocide.eu) and you can read more about the law there. What happens next is up to us.

## Reference

OECD 2012. Environmental Outlook to 2050: The Consequences of Inaction. Organisation for Economic Co-operation and Development. Available at: <http://bit.ly/14sQWZC>

## Samenvatting

### Een evenwicht tussen rechtspleging en natuur

Een gezonde en biodiverse omgeving kan tot grote dingen leiden; een plek waar het leven bloeit is heilzaam op veel grotere schaal dan de directe omgeving. Maar als het over het welzijn van de aarde gaat, opereren de meeste bedrijven op een netto tekort. Dit leidt tot enorme schade, vernietiging of verlies van ecosystemen. Een wet op Ecocide zal dit verbieden en zal daarmee de onbalans in de natuur die we op wereldschaal zien kunnen omdraaien. Een internationale wet op Ecocide heeft drie grote voordelen: het helpt de wereld om de internationale doelen van klimaatverandering te halen, verzekert dat dit bereikt wordt tegen de laagste kosten, en vormt een wettelijke kader dat nodig is om de groene economie verder te ontwikkelen. In plaats van te leven in een wereld waarin we bang zijn voor de toekomst van onze kinderen, kunnen we dan leven in een vreedzame wereld.



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