

PROPOSED ARTICLE 8 *ter* ECOCIDE

Actus reus

Mens rea

Is the conduct unlawful under?

National law

International law

Yes

No

Actus is defined by National/international law

Is the conduct "wanton"?

Was there reckless disregard of?

Did the Accused have "knowledge that there is substantial likelihood" (as opposed to "awareness that a circumstance exists or will occur in the ordinary course of events" under Rome Statute, Art. 30)

Severe damage (very serious adverse changes, disruption or harm to any element of the environment) that is either:

Widespread

OR

Long-term

Damage that is "clearly excessive" when balancing:

Damage to the environment

VERSUS

Anticipated social and economic benefits

AND

The accused reconciles with or makes peace with the likelihood of the damage (*dolus eventualis*)?