

Invitation to tender: Scoping a domestic legal framework for ecocide

1. Introduction

Background to the Environmental Rights Centre for Scotland

The [Environmental Rights Centre for Scotland](#) (ERCS) was established in July 2020. Our vision is of a Scotland where every person's right to a healthy environment is respected, protected and fulfilled. Our mission is to assist everyone, especially people who face the biggest barriers, to exercise their rights in environmental law and to protect the environment. We do this through:

- **Awareness-raising of legal rights and remedies** and supporting equitable participation in environmental decision-making.
- **Advice, assistance and representation** to increase access to justice and holding public authorities and polluters to account on the environment.
- **Advocacy in policy and law reform** to improve environmental law.
- **Strategic public interest litigation** to tackle systemic environmental problems.

ERCS understands environmental law to include law relating to land-use planning, climate change, pollution control, environmental health, the conservation of biodiversity, and any other field (e.g. cultural heritage, transport, energy) to the extent that it impacts on the natural environment and/or the right to live in a healthy environment.

Ecocide law: creating an enforceable deterrent to the most severe and either widespread or long-term environmental damage

On 8 November Monica Lennon, MSP will launch the public consultation on her proposed Member's Bill to introduce ecocide law in Scotland. This comes at a time when the European Union are considering the inclusion of ecocide level crimes in the revised *Directive on protection of the environment through criminal law*.

ERCS is commissioning a research report to:

scope the feasibility and options for incorporating ecocide into Scots law.

The aims of this research are to establish:

- What effect(s) legislation to criminalise ecocide has (if any) on environmental protection.
- The main reasons jurisdictions have established or are considering ecocide legislation.
- Relevant barriers to the development, incorporation and application of ecocide legislation in Scotland.
- The options for incorporating ecocide into Scots law.



This in-depth piece of research is intended to inform ERCS's advocacy on the criminalisation of ecocide in Scots law.

2. Task

To complete research and a report which sets out the following:

- An overview of how ecocide has been incorporated in national legislation.
- An evaluation of the efficacy of criminalisation in these jurisdictions in reducing environmental harm.
- The reasons and processes for incorporating ecocide in countries from which we might learn.
- An analysis of what impact(s) the criminalisation of ecocide might have in Scotland.
- The options for incorporating ecocide into Scots law.

3. Deliverables

A clearly referenced report covering the matters specified above. The report should be delivered electronically in MS Word format.

ERCS will disseminate the findings of the report through briefings, blogs and media articles over spring/summer 2024.

4. Timescales

- Deadline for tenders 30 November 2023.
- Consultant engaged by 15 December 2023.
- Initial meeting by early January 2024.
- Proposed outline of report to ERCS by mid January 2024.
- Report first draft to ERCS by 21 February 2024.
- Final report by 15 March 2024.
- Report launch w/b 25 March 2024.

5. Fees available

We have a budget of circa £5,000 inclusive of VAT for the work and estimate that the research will take approximately 16-21 days to complete.

6. Responding to the Invitation

If you are interested in undertaking this project please submit your tender along with your CV and short summary of how you would approach the work (no more than 1 side A4).



Tenders will be assessed against the criteria of financial cost, meeting submission requirements and relevant expertise (legal qualification and/or experience in criminal law/environmental law).

Please let Shivali Fifield know if you intend to submit a tender. Also note that the timescales are flexible and we are keen to have the project completed earlier if possible.

Submissions should be sent to Shivali Fifield, Chief Officer by email at sfifield@ercs.scot, to be received no later than **5pm Thursday 30 November 2023**.