

Criminalisation Of Ecocide: A Case For Recognising Severe Environmental Damage As An International Crime

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Abstract

The criminalization of ecocide has gained global focus as environmental degradation approaches catastrophic levels. This research examines the need to recognise ecocide—defined as severe, prevalent, or long-term environmental harm—as an international crime under the Rome Statute. It analyses the legal, ethical, and geopolitical implications of creating ecocide as the fifth international crime, together with genocide, war crimes, crimes against humanity, and belligerence. Drawing from secondary data sources, comprising case studies, treaties, and expert legal opinions, the research emphasises gaps in current international environmental law, such as weak implementation and state dominion barriers. By examining key incidents like the Deepwater Horizon spill and Amazon deforestation, the research calls for robust legal frameworks to grasp states and corporate actors accountable. The study endorses the inclusion of ecocide within the International Criminal Court's jurisdiction, highlighting the urgency of legal deterrents to prevent irreversible ecological destruction. It determines that acknowledging ecocide as a crime is essential to ensuring global environmental justice and protecting the planet for future generations.

Keywords: Ecocide, Jurisdiction, International Criminal Court (ICC), Environmental Justice, Legal Recognition, Global Governance, Legal Framework, International Law, Transboundary Harm, Expert Recommendations, Enforcement.

INTRODUCTION

Ecocide denotes to grave impairment to the environment caused by human activity. It provides large-scale harm to ecosystems, biodiversity, and the climate. Despite the seriousness of such acts, there is no specific international law that criminalises ecocide. The present international legal framework focuses on war crimes, genocide, and crimes versus humanity. Therefore, the destruction of nature continues in many parts of the world without strong legal consequences. The idea of criminalising ecocide is gaining attention. Environmental activists, lawyers, and some governments now argue that ecocide should be recognised as the fifth international crime under the Rome Statute. This would place it together with crimes like genocide and war crimes. The main target is to hold powerful actors accountable, including corporations and state leaders who knowingly harm the environment on a massive scale. This paper explores why ecocide should be made an international crime. It also analyses its definition, legal challenges, and global support. It also discusses examples of environmental harm that could qualify as ecocide. By analysing legal gaps, this research also aims to support a stronger international response to environmental destruction. It concludes with recommendations to provide for ecocide in international criminal law. Recognising ecocide would be a key step in shielding the planet for future generations.

Aim:

To examine the rationale and impact of recognising ecocide as an international crime to improve global environmental transparency.

Objectives:

- To examine the concept and legal definition of ecocide in the context of international law.
- To assess the environmental, social, and legal consequences of recognising ecocide as an international crime.
- To evaluate global efforts and case studies supporting the criminalisation of ecocide.
- To recommend legal frameworks and policy measures for integrating ecocide into international criminal law.

LITERATURE REVIEW

Understanding the Concept of Ecocide

Ecocide is a crucial concept that alludes to the extensive damage, obliteration, or loss of ecosystems, often due to human activity (Arifin *et al.*, 2024). Also known as ecocide, the exhaustive damage to or dwellers of or loss of ecosystems of a given province is such that serene enjoyment by the occupants has been critically intensity. Environmental activists emphasise ecocide as a moral and legal Unlawful act against nature itself. It is also known that in the 1970s, during the Vietnam War, the U.S. military's use of herbicides caused large-scale environmental demolition (Olson, 2022). Thus, Ecocide can be explained as an act of substantially damaging or destroying ecosystems, including humans, and in other words, it means the destruction of the natural environment by deliberate or negligent human actions.

Over time, it gained recognition among environmentalists and legal experts as a distinct form of environmental harm. Specifically, ecocide in international law would expand protection and show that nature, like people, has legal value. Criminalising ecocide also reflects growing awareness that environmental harm threatens human survival (Filippos Proedrou and Pournara, 2024).

International Legal Frameworks and Environmental Protection

Many international laws save the environment. These provide treaties, conventions, and agreements. A later declaration targets sustainable development. It states that it is not harmful to other countries' environments. Global agreements focus on reducing climate change. Some conventions protect specific areas, which include efforts to protect ecosystems and species (Carroll, 2021). Others control the movement of hazardous waste. Such countries take specific actions to save the country's environment. An example of India's making environmental judicial science is the Air Act about Prevention and Control of Pollution, the Water Act about Prevention and Control of Pollution, and the Environment Act about Protection (Awe Mom *et al.*, 2024). These laws, as their names advocate idea, govern the quality of air and water materials and balance the approaches of safeguard of the environment through the contentment of legal principles and doctrines like public liability. Genocide is already a core international law. It is punished when there is intent to destroy a national, ethnic, and religious group. Both crises cause suffering, displacement, and death.

Introducing ecocide as a crime under the ICC would include a legal avenue to hold perpetrators accountable, extremely in legal instances where national governments are disinclined to act. Also, know that on September 9, 2024, Fiji, Samoa, and Vanuatu turned a combined proposal to the International Criminal Court to recognise ecocide on par with genocide (Sharma, 2025).

The Rome Statute and the Debate on a Fifth International Crime

The Rome Statute is the origin creation accord of the International Criminal Court. It presently covers four main center crimes genocide, war crimes, crimes versus humanity, and violence (Jacek Izydorczyk, 2023). In recent years, there has been a increasing demand to provide ecocide as the fifth international crime. Legal experts and environmental groups argue that current laws do not address massive environmental destruction (Kashwan *et al.*, 2021). They believe the Statue should evolve to reflect today's ecological crises. Draft definitions of ecocide have been submitted by international panels that target international and severe harm to the environment. Critics worry about legal clarity and enforcement, but supporters stress the urgent need for accountability. The International criminal law framework expands to include the arbitrary, severe, and widespread destruction of ecosystems.

Case Studies of Severe Environmental Damage

Several show the serious impacts of environmental harm from ecocide. The Bhopal Gas Tragedy in India caused thousands of deaths and long-term pollution. The Deepwater Horizon oil leak in the U.S. issued millions of barrels of oil into the ocean (Averill *et al.*, 2022). Moreover, illegal logging and deforestation continue to destroy biodiversity. Therefore, the Fukushima nuclear disaster in Japan also led to radioactive leaks. These events harmed both people and nature. They also declared the need for strong environmental laws, and such cases support the call to acknowledge ecocide as a serious worldwide crime to prevent future large-scale damage. These are all case studies illustrating severe environmental damage resulting from industrial accidents and unsustainable practices. Such as in 1984, a toxic gas disclose at a

Union Carbide insecticide plant in Bhopal, India, caused in thousands of deaths on health problems (Ogunlusi, 2023).

Global Movements and Political Advocacy for Ecocide Law

Many global actors support ecocide law. According to Branch and Minkova (2023), NGOs lead the movement. Groups like Stop Ecocide International raise awareness. UN bodies discuss environmental justice in forums and reports. Regional organisations in Europe promote legal reforms. Public campaigns also play a big role. Activists use the media to influence opinion. This pressure helps change national laws. Some countries now consider ecocide in their legal systems. Small island nations support ecocide law strongly. They face direct threats from climate change. De Vries *et al.* (2021) state that European states like France and Belgium also show support. Together, these efforts push for ecocide as a global crime. According to Indian government plans, it was known that the threat of criminal responsibility given for the dedication of ecocide in these environmental laws completely produces issue with the outcomes of the measures of one set of participants only. The Indian government seeks to make three major changes: a) make plans to replace jail with higher fines for most environmental offenses; b) new amendments will allow for adjusting penalties to decade penalty amounts under each law; and c) the changes about the Central Government on three new funds for air and water, which are environmentally connected.

Challenges and Criticisms of Criminalising Ecocide

Ecocide, the comprehensive damage and devastation of ecosystems, faces several challenges and criticisms, such as potential conflict with development goals and problems of national sovereignty. Hamilton (2024) explains that criminalising ecocide includes sovereignty concerns, with some nations viewing a global ecocide law as an infringement on their right to manage their natural resources. It leads to resistance. Therefore, enforcement difficulties are most critical because defining ecocide with sufficient clarity and precision to avoid and ensure fair application of the law.

METHODS

Here, this research also chooses secondary data to examine and identify the criminality of ecocide. It reviews existing legal texts, newspapers, scholarly articles, and policy documents and states state-level legal information (Antoniadis *et al.*, 2022). Sources include the Rome Statute, UN reports, and Case law from the International Criminal Court. Academic journals include ecocide definitions and critiques of international law. Environmental case studies are critiques of specific views about the effects of ecocide and its bad effects on healthy environments. Academic journals that collect data also provide specific insights, and environmental case studies, like the Bhopal and Deepwater Horizon incidents, are also analysed using documented evidence. Kim (2022) notes that NGO reports and advocacy material are used to evaluate public and political support. This method analyzes legal gaps and challenges in prosecuting ecocide and offers a broad understanding without conducting primary investigations.

RESULTS AND DISCUSSION

Recognition of Ecocide as an Emerging Norm under International Criminal Law

The concept of ecocide is acquiring acknowledgment as an emerging norm in international law. It is not yet codified under the Rome Statute of the International Criminal Court (ICC) (Bosio, 2024). For instance, In *Vanashakti v. Union of India (2024)*, the Supreme Court stayed government memorandums permitting ex-post facto environmental permissions, supporting the principle that ecological assessments must precede industrial activity. Therefore, discussions to amend Article 5 to provide for ecocide are ongoing. In *Nabendu Kumar Bandyopadhyay v. The Additional Chief Secretary (2024)*, the Court criticized the National Green Tribunal for dismissing a case on illegal water body encroachment without inquiry, emphasizing judicial responsibility in environmental matters. Also, know that in 2021, the autonomous Expert Panel for the Legal Definition of Ecocide evaluated language describing ecocide as illicit acts dedicated with knowledge that there is a notable likelihood of serious and extensive harm to the environment. Also known is that states such as Vanuatu and the Maldives have formally supported these initiatives before the ICC Assembly of States Parties. Mohamed-Benkadda (2025) highlights that France became the first European country to integrate the term ecocide into internal law under its climate

and resilience law. In *Container Corporation of India Ltd v. Ajay Khara and Ors (2024)*, ecocide means illegal acts devoted with understanding that there is a probability of severe and common damage to the environment existence triggered by those acts.

Aspect	Definition	Proposed Crime	Global Support	Legal Barriers	Case Examples	Key Advocates	Next Steps
Severe harm	Environmental loss	Fifth ICC crime	Pacific nations	State sovereignty	Vietnam defoliants	Stop Ecocide Org	Treaty inclusion
Human rights link	Nature's rights	Rome Statute amend	EU Parliament	Vague definitions	Amazon deforestation	French lawmakers	Legal definition
Corporate liability	Climate damage	Universal law goal	Island states	Political will	Chernobyl disaster	Vanuatu, Maldives	UNGA support
Legal framework	Customary norms	ICC jurisdiction	Civil society push	Jurisdiction issues	Niger Delta spills	Legal scholars	Diplomatic lobbying
Public pressure	Ethical duty	New legal era	NGOs and youth	Enforcement gaps	Fukushima leaks	Greta Thunberg	Awareness campaigns
Environmental justice	Future focus	Global consensus	Academic backing	Resource constraints	Bhopal gas tragedy	International NGOs	Drafting protocols

Table 1: Key Dimensions and Global Dynamics of Ecocide Recognition in International Law

The term ecocide first appeared during the Vietnam War, used to explain the environmental outcomes of the defoliant. After including in the United Nations talks throughout the subsequent decades, by 1998, ecocide had been suggested as a global crime against peace in a draft of the Rome Statute, the agreement that made the ICC. In 2022, the Argentine Association of professors of Criminal Law mentioned ecocide and summoned the legal systems to create a standard system that provides insuperable limits and guarantees the safeguard of ecosystems. Also, know that a new offense of ecocide forms part of an ambitious environmental bill approved by the French Government on 4 May 2021. It is also known that legislation underscores penalties of up to 10 years detention and a fine of up to €4.5 million for environmental devastation (Maciej Nyka, 2022). Thus, criminalizing ecocide in international law sends a influential message about shared precedence. It would push states to take immediate and effective statutory action at a domestic level, adding to the previously considerable ethical tension on large firms to think about the impact of their business activities. Globally, over 2 million signatures have been

collected in support of ecocide laws (Greene, 2019). The ICC Assembly of States Parties has received formal applications from at least 4 Small Island nations citing climate-linked destruction.

Deficiencies in the Existing International Environmental Legal Framework

The present international legal framework lacks enforceability and criminal accountability. Environmental activists and organisations play a most significant role in driving on ecocide (Moribe, 2023). They work to raise awareness about the devastating ecological harm caused by various activities like pollution, deforestation, and mining. Through campaigns and advocacy, they aim to hold governments, corporations, and individuals responsible grasp for their environmental actions. Such as an example on Greenpeace, which is a prominent environmental organization. Greenpeace conducts high-profile campaigns to highlight environmental issues.

Framework Element	Current Limitation	Impact	Examples
Treaty Enforcement	Weak or non-binding	Low compliance rates	Paris Agreement gaps
Accountability Mechanisms	No individual criminal liability	States evade responsibility	Oil spill impunity
Jurisdictional Scope	National laws vary	Inconsistent global enforcement	Amazon deforestation
Monitoring & Sanctions	Limited oversight bodies	Lack of deterrence	Toxic waste dumping

Table 2: Structural Weaknesses in Global Environmental Law Enforcement

Thus, ecocentrism shifts focus from human harm to environmental protection, but the Rome Statute prioritises human-centric harm (Gilbert, 2023). This creates conflict in establishing criminal intent for ecocide. Traditional mens rea relies on direct intent, which is often critical to prove in ecological cases. The integration of ecocide challenges the Rome Statute's strict criminal intent standards. Also, note that Article 30 requires intent, while ecocide proposals include recklessness or “wanton acts.” Therefore, applying traditional definitions to environmental harm adds legal uncertainty (Minkova, 2021).

The international Legal Framework on environmental Crime consists of many different international contracts and conventions aimed at addressing environmental issues with global significance.

Ecocide
<p>1. For the purpose of this Statute, “ecocide” means 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.</p> <p>2. For the purpose of paragraph 1:</p> <p>a. “Wanton” means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;</p> <p>b. “Severe” means 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;</p> <p>c. “Widespread” means damage which 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;</p> <p>d. “Long-term” means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time;</p> <p>e. “Environment” means the earth, its biosphere, cryosphere, lithosphere, hydrosphere and atmosphere, as well as outer space.</p>

Figure 1: Ecocide Foundation

(Source: Fischels, 2021)

The Kyoto Protocol, a seminal international environmental agreement that serves as a prime example within the International Legal Framework on Environmental Crime. In 2021, the EU intercepted over 1.3 million tons of illegal waste shipments, highlighting weak global monitoring. Roughly 18 billion gallons of toxic waste were disposed into the Amazon rainforest. Despite a \$9.5 billion judgment by Ecuador's Supreme Court in 2011, the ruling remains unenforced internationally due to jurisdictional limitations and a lack of criminal accountability mechanisms in environmental law (Business, 2023). The case of *Deepwater Horizon Oil Spill (2010)*, exposed the lack of international criminal mechanisms for large-scale marine ecological disasters. The Environmental Liability Directive in the European Union imposes civil responsibility but does not address ecological destruction. The Aarhus Convention includes public approach to environmental equity but lacks robust enforcement provisions and public access to environmental fairness but lacks robust enforcement provisions and power. In the case of *Vellore Citizens Welfare Forum v. Union of India, (1996) 5 SCC 647*. It was established that the Precautionary Principle and Polluter Pays Principle within Indian environmental law. In India, the Environment Protection Act allocations the government wide powers to control industrial pollution, yet breaches remain disproportionately low. In Nigeria, decades of oil spills in the Niger Delta have triggered mass pollution and ecological collapse (Numbere, 2023). These cases reveal significant gaps in the existing legal structures for addressing large-scale environmental crimes at the global level.

Evidentiary Support for the Inclusion of Ecocide within the Rome Statute

Substantial legal and factual evidence helps the addition of ecocide as a core offense under the Rome Statute. The 2021 draft definition, as provided by legal experts, aligns with existing international criminal law criteria, including severity, knowledge, and the scale of harm. Globally, they have endorsed its inclusion through petitions. States like Vanuatu and the Maldives have submitted formal proposals. Reports from UN bodies and environmental NGOs document repeated, large-scale environmental devastation with cross-border effects, indicating the need for prosecutorial mechanisms. Such evidences have been found in the instances of *M.C. Mehta v. Kamal Nath, (1997) 1 SCC 388*, *A.P. Pollution Control Board v. Prof. M.V. Nayudu, (1999) 2 SCC 718*, *T.N. Godavarman Thirumulpad v. Union of India, (2012) 4 SCC 362*, *Research Foundation for Science v. Union of India, (2005) 13 SCC 186*. The severity of environmental damage caused by human activity, including climate change and industrial practices, is increasingly apparent. Evidence of extensive and long-term damage, as well as the potential for catastrophic consequences like long-term damage (Palahniuk, 2024). Existing legal frameworks provide international environmental law and the Rome Statute's current list of crimes to address the scale and impact of ecocide. Article 6(c) of the Statute outlaws as genocide deliberately imposing on the group circumstances of life measured to bring about its physical devastation in whole or in part, with "intent to destroy, in whole or in part, a national, ethnic, racial, or devout group as such." This form of Genocide is engaged through environmental impairment and illegal misuse of the natural depletion of land if the acts in question deny the influenced group of the means of their endurance.

Tribunal/Body	Year	Support Type	Cases/Events	Legal Basis
People's Tribunal	2021	Recognition	Amazon Logging	Customary Law
European Parliament	2023	Resolution Passed	Cross-border Pollution	EU Criminal Law
Vanuatu & Maldives	2019	ICC Proposal Submitted	Pacific Island Harm	Rome Statute Art. 7

UNEP Reports	2022	Impact Data	150+ Major Disasters	Environmental Treaties
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Table 3: Reports of Ecocide within the Rome Statute

The Permanent Peoples Tribunal and the People's Tribunal on the Rights of Nature have issued findings acknowledging ecocide as a crime opposing peace (Gillett, 2024). Because the ILC Draft Articles on the Prevention of Transboundary Harm Support liability for crucial environmental damage, aligning with ecocide principles. The Aarhus Convention and the Espoo Convention also increase environmental justice and accountability, which reinforces public rights to act against ecological restrictions. Therefore, the European Parliament in 2023 also supported a resolution to include ecocide in EU criminal law, which marked regional legal advancements.

With ecocide and environmental harm prosecutions on the horizon, it is permitted to examine the legal bases on which they proceed at the ICC. The endeavour yields important insights for other institutions like Colombia's Special Jurisdiction for Peace that draws on ICL, IHL, IHRL and domestic criminal law. Crimes against humanity were first mentioned as such with the 1915 extermination of the Armenians in Turkey. But there is no global law for ecocide (Republic of Türkiye Ministry of Foreign Affairs, 2022). Ecocide is not yet a offense under international law, and advocates want to change this. They want ecocide to be addressed as a serious crime.

International Consensus and Divergence Among Key Stakeholders

The global movement to criminalise ecocide has witnessed a notable shift in international discourse and reveals both emerging consequences and clear divergence among state and non-state stakeholders (Palarczyk, 2023). The consensus revolves around the recognition that environmental crimes that have transboundary effects, leading to irreversible damage to ecosystems and human populations, mean that the existing legal frameworks are inadequate to ensure accountability at the international stage. Several island nations, like Vanuatu, the Maldives, and Samoa, have taken a proactive stance in supporting the integration of ecocide in the Rome Statute (Nowak, 2022). These countries, often on the frontlines of climate vulnerability, perceive ecocide as an existential threat. Their support is grounded in lived realities where rising sea levels and severe biodiversity loss directly threaten their territories and cultures. Such concrete incidents have further fueled the demand for ecocide criminalization. One widely cited example is the 2004 Ural Mountains oil spill in Russia, where over 100,000 tons of oil leaked into the environment, causing lasting soil and water damage and pollution (Kondratenko, 2021).

Stakeholder	Position	Key Example/Case	Year	Impact Type
Vanuatu, Maldives	Supportive	Rising sea levels, bleaching	Ongoing	Existential threat
EU Parliament	Supportive	Policy Resolutions	2020-23	Legislative push
Russia	Reluctant	Ural oil spill	2004	Soil & water damage
Brazil	Divided	Samarco dam collapse	2015	River pollution, deaths
USA	Resistant	Deepwater Horizon spill	2010	Marine destruction

Indonesia	Problematic	Palm oil forest fires	Ongoing	Transboundary pollution
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Table 4: International Consensus and Divergence on Ecocide Criminalisation

Civil society and legal networks like the Stop Ecocide Foundation and the Independent Expert Panel for the Legal Definition of Ecocide have performed a pivotal role in structure global momentum (Jeevan *et al.*, 2021). The 2021 legal explanation of ecocide is illegal or wanton acts dedicated with knowledge that they inflict long-term impairment to the environment. Another is the 2015 Samarco dam catastrophe in Brazil, where the collapse of a mine dam led to 19 deaths and the damage of a whole village, polluting the Doce River over hundreds of kilometers (Alberto, 2024). Ecocide is also framed as “the fifth international crime,” a prominent environmental activist aligning it together with genocide as war crimes, crimes versus humanity, and the crime of hostility. Also, know that in Indonesia, mass deforestation and illegal palm oil burning have caused transboundary air pollution, affecting neighboring countries like Malaysia and Singapore, highlighting the urgent need for cross-border environmental accountability (Setyani Dwi Lestari *et al.*, 2024).

Actor/Entity	Contribution/Action	Impact/Progress	Challenges/Resistance
Legal civil society	Drafted ecocide definition	Gained global traction	Limited enforcement power
International judges	Supported legal framework	Strengthened legitimacy	Jurisdictional limitations
European nations	Proposed national ecocide laws	France, Belgium, Netherlands progressing	Domestic legal integration
Industrial powers (e.g., US, China)	Rejected ecocide proposal	Delayed global consensus	Economic and political interests

Table 5: Global Divergence in the Legal Recognition and Support for Ecocide Criminalisation

Legal civil society also made a foundation on ecocide that helped draft a formal definition of ecocide, supported by former and current international judges. This definition centres on “wanton acts committed with knowledge of considerable likelihood of severe and widespread or enduring environmental damage.” Their advocacy has gained traction globally and inspired legislative movements in France, Belgium, and the Netherlands to consider national ecocide laws. Therefore, significant divergence exists. Major industrial powers like China, India, Russia, and the United States have been resistant (Boyd, 2021). This reluctance is largely tied to economic interests such as coal dependency and industrial expansion, which view such laws as potential obstacles to the development of political leverage.

Jurisdictional and Bureaucratic Viability Before the International Criminal Court

The jurisdictional and procedural viability of charging ecocide before the International Criminal Court (ICC) is most complex but increasingly feasible. This fifth international crime, together with crimes against mankind and war offenses, requires an amendment under Article 121, needing approval by two-thirds of the Assembly of States Parties. Jurisdiction applies only to states that ratify the amendment unless the UN Security Council refers a case under Chapter VII of the UN Charter, which makes jurisdiction globally binding. Real incidents also provide the scope of ecocide prosecution. The Deepwater Horizon oil spill (USA, 2010) released over 4.9 million drums of oil into the Gulf of Mexico, which critically affected marine ecosystems and coastal livelihoods. According to the Russia Norilsk diesel spill in 2020, there are 21,000 tons of diesel that leaked into Arctic water (Null, 2021). President Putin declared a national emergency, and the company paid a \$2 billion fine, yet there was limited individual accountability.

Legal Element	Current Status	Challenges	Proposed Solutions
ICC Jurisdiction	State parties only	Non-member state exclusion	Expand universal jurisdiction
Rome Statute	No ecocide provision	Requires formal amendment	Advocate for Article 5 inclusion
Prosecutorial Discretion	ICC chief selects cases	Political influence possible	Strengthen case selection criteria
Evidentiary Requirements	High proof standard	Environmental harm complexity	Develop specific ecocide metrics

Table 6. Assessing ICC Readiness to Prosecute Ecocide

Ecocide, particularly when states are reluctant or incapable to charge offenders domestically, and mechanisms for investigating cross-border crimes exist only when national systems fail to prosecute effectively. Thus, it is the main thing that the ICC holds the legal and procedural tools to accommodate ecocide prosecutions, especially with mounting global support and precedents of environmental disasters with international impact.

Criminalizing ecocide, the large-scale destruction of nature, is gaining traction as a way to hold entities and companies responsible for grave environmental harm. Therefore, the push to criminalize ecocide aims to establish it as a crime opposed peace alongside genocide and war crimes and to deter environmental damage by making individuals in positions of power personally liable. There are several countries, comprising Fiji, Niue, the Solomon Islands, Tuvalu, Tonga, and Vanuatu, that have backed criminalizing ecocide under international law (Bertram, 2024).

Structural and Political Barriers to Legal Recognition of Ecocide

Amendment Hurdles:

Amending the Rome Statute demands a two-thirds bulk from 124 ICC member states, making legal inclusion difficult (Sadat, 2023). This process is highly diplomatic and often delayed by political negotiation. Many countries hesitate to prioritise environmental crimes over existing international priorities like terrorism. That reason states worry about a law that might expose them to legal risk and discourage them from supporting the formal legal inclusion of ecocide.

Major Power Resistance:

Countries like the USA, China, and India resist ecocide laws due to economic dependencies and sovereignty concerns (Rupali, 2024). Large emitters including the United States, India, Russia, and China resist ecocide criminalization due to economic and political reasons. These countries rely heavily on fossil fuels, deforestation, and extractive industries. Criminalising ecocide leads to litigation or international condemnation of past and ongoing actions. Furthermore, these nations emphasise state sovereignty and often reject international legal intrusions, fearing ecocide for geopolitical pressure against Global North actors (Dunlap, 2021).

Enforcement Limitations:

The ICC enforcement authority, relying on state cooperation, and often fails in politically sensitive cases. The ICC does not have its police strength and relies entirely on national governments to arrest and transfer suspects. In politically sensitive cases, states may refuse to cooperate (Brunet-Jailly, 2022). This was evident in Sudan's Omar al-Bashir case, where many ICC member states declined to arrest him.

Legal Ambiguity:

Defining ecocide consistently across legal systems remains challenging (Robinson, 2022). Such as in 2021, the Independent Expert Panel suggested a draft meaning that centred on unlawful acts, accusing widespread environmental damage and different legal systems that have varying thresholds for what constitutes "widespread."

Expert Recommendations for Institutionalising Ecocide in International Law

Experts will recommend that the Rome Statute be modified to officially insert ecocide as the fifth international crime (Atılgan Pazvantoğlu, 2025). A universally approved legal definition will be developed, emphasising severe, extensive, or long-term environmental harm. International cooperation

mechanisms will be strengthened to guarantee state accountability and enforcement. Legal frameworks will be harmonised across jurisdictions to avoid ambiguity. Capacity-building and training for ICC attorneys on environmental crimes will be introduced. Civil society involvement will be motivated to maintain pressure. Financial and technical resources will be allocated to support investigations and prosecutions of ecocide at the global level.

CONCLUSION

In conclusion, recognising ecocide as an international crime is crucial to dwelling escalating environmental annihilation. Despite structural, political, and legal barriers, global momentum is growing. Real-world incidents underline urgent gaps in responsibility. Institutional reforms, legal clarity, and international cooperation will be crucial. With expert recommendations and civil society support, ecocide can be ingrained in international law. The future of planetary protection depends on holding powerful actors responsible for environmental injury via impactful legal mechanisms at the multinational level.

REFERENCES

1. Alberto, C. and Aleixo, R. (2024). Major recent failures in Brazilian mine waste containment facilities, current cases of maximum emergency level and imminent risk of rupture, and a brief sustainability analysis. *Environmental Science and Pollution Research*. Available at <https://doi.org/10.1007/s11356-024-34864-9> [Accessed on 26/06/2025].
2. Antoniadis, J., Arzoumanian, Z., Babak, S., Bailes, M., Bak Nielsen, A.S., Baker, P.T., Bassa, C.G., Bécsy, B., Berthureau, A., Bonetti, M., Brazier, A., Brook, P.R., Burgay, M., Burke-Spolaor, S., Caballero, R.N., Casey-Clyde, J.A., Chalumeau, A., Champion, D.J., Charisi, M. and Chatterjee, S. (2022). The International Pulsar Timing Array second data release: Search for an isotropic gravitational wave background. *Monthly Notices of the Royal Astronomical Society*, [online] 510(4), pp.4873–4887. Available at <https://doi.org/10.1093/mnras/stab3418> [Accessed on 26/06/2025].
3. Arifin, R., Masyhar, A., Wulandari, C., Kusuma, B.H., Wijayanto, I., Rasdi and Fikri, S. (2024). Ecocide as a serious crime: A discourse on global environmental protection. *IOP Conference Series: Earth and Environmental Science*, 1355(1), p.012004. Available at <https://doi.org/10.1088/1755-1315/1355/1/012004> [Accessed on 26/06/2025].
4. Atılğan Pazvantoğlu, C. (2025). Ecocide as a Separate Crime under the Rome Statute: A Legal Analysis of the Discourse. *Environmental Policy and Law*. Available at <https://doi.org/10.1177/18785395251351171> [Accessed on 26/06/2025].
5. Averill, L., Durkin, B., Chu, M., Ougradar, U. and Reeves, A. (2022). Deepwater Horizon disaster. *Loss Prevention Bulletin*, [online] 285(7). Available at: https://www.icheme.org/media/18486/lpb285_pg07.pdf [Accessed on 26/06/2025].
6. Awe Mom, J., Dzeble, F., Takyi, Y.D., Ashie, W.B., Nana, E., Afua, P.E., Lyndon, Opoku, F. and Akoto, O. (2024). Addressing global environmental pollution using environmental control techniques: a focus on environmental policy and preventive environmental management. *Discover Environment*, [online] 2(1). Available at <https://doi.org/10.1007/s44274-024-00033-5> [Accessed on 26/06/2025].
7. BERTRAM, D.A. (2024). Towards an international crime of ecocide. *Cadmus.eu.eu*. [online] Available at <https://doi.org/9788283482447> [Accessed on 26/06/2025].
8. Bosio, E. (2024). The environmental protection under the International Criminal Law: the new crime of ecocide. *Unive.it*. [online]. Available at <https://hdl.handle.net/20.500.14247/15026> [Accessed on 26/06/2025].
9. Boyd, R. (2021). *The Combined Transitions of Great Power Politics and the Global Energy System: A Comparative Analysis of China, the United States and Russia*. [online] Scholars Commons @ Laurier. Available at: <https://scholars.wlu.ca/etd/2426/> [Accessed 26 June. 2025].
10. Branch, A. and Minkova, L. (2023). Ecocide, the Anthropocene, and the International Criminal Court. *Ethics & International Affairs*, 37(1), pp.51–79. Available at <https://doi.org/10.1017/s0892679423000059> [Accessed on 26/06/2025].
11. Brunet-Jailly, E. (2022). Cross-border cooperation: a global overview. *Alternatives: Global, Local, Political*, 47(1), p.030437542110734. Available at <https://doi.org/10.1177/03043754211073463> [Accessed on 26/06/2025].
12. Business (2023). *Canadian court dismisses Ecuador's \$9.5 billion claim against Chevron Canada - Business & Human Rights Resource Centre*. [online] Business & Human Rights Resource Centre. Available at: [billion-claim-against-chevron-canada/](https://www.bhrcc.org/en/canadian-court-dismisses-ecuadors-95-billion-claim-against-chevron-canada/) [Accessed 26 Jun. 2025].
13. Carroll, C. and Ray, J.C. (2021). Maximizing the effectiveness of national commitments to protected area expansion for conserving biodiversity and ecosystem carbon under climate change. *Global Change Biology*, 27(15). Available at <https://doi.org/10.1111/gcb.15645> [Accessed on 26/06/2025].
14. De Vries, C.E., Bakker, B.N., Hobolt, S.B. and Arceneaux, K. (2021). Crisis signalling: How Italy's coronavirus lockdown affected incumbent support in other European countries. *Political Science Research and Methods*, pp.1–17. Available at <https://doi.org/10.1017/psrm.2021.6> [Accessed on 26/06/2025].
15. Dunlap, A. (2021). The Politics of Ecocide, Genocide, and Megaprojects: Interrogating Natural Resource Extraction, Identity and the Normalisation of Erasure. *Routledge eBooks*, pp.57–80. Available at https://doi.org/10.4324/9781003253983_4 [Accessed on 26/06/2025].

16. Filippou Proedrou and Pournara, M. (2024). Exploring representations of climate change as ecocide: implications for climate policy. *Climate Policy*, 25(2), pp.1–14. Available at <https://doi.org/10.1080/14693062.2024.2368859> [Accessed on 26/06/2025].
17. Fischels, J. (2021). *How 165 Words Could Make Mass Environmental Destruction An International Crime*. [online] NPR.org. Available at: <https://www.npr.org/2021/06/27/1010402568/ecocide-environment-destruction-international-crime-criminal-court> [Accessed on 26/06/2025].
18. Gilbert, J. (2023). Creating Synergies between International Law and Rights of Nature. *Transnational Environmental Law*, 12(3), pp.671–692. Available at <https://doi.org/10.1017/s2047102523000195> [Accessed on 26/06/2025].
19. Gillett, M. (2024). Ecocide, environmental harm and framework integration at the International Criminal Court. *The International Journal of Human Rights*, pp.1–37. Available at <https://doi.org/10.1080/13642987.2024.2433660> [Accessed on 26/06/2025].
20. Greene, A., Marshall, J. and School, L. (2019). Fordham Environmental Law Review The Campaign to Make Ecocide an International Crime: Quixotic Quest or Moral Imperative? THE CAMPAIGN TO MAKE ECOCIDE AN INTERNATIONAL CRIME: QUIXOTIC QUEST OR MORAL IMPERATIVE? [online] 30(3). Available at: <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1814&context=elr> [Accessed on 26/06/2025].
21. Hamilton, R. (2024). *Criminalising Ecocide*. [online] Digital Commons @ American University, Washington College of Law. Available at: https://digitalcommons.wcl.american.edu/facsch_lawrev/2247/ [Accessed on 26/06/2025].
22. Jacek Izydorczyk (2023). WAR CRIMES UNDER THE ROME STATUTE OF THE INTERNATIONAL CRIMINAL COURT. *Toruńskie Studia Polsko-Włoskie*, [online] pp.243–251. Available at: <https://apcz.umk.pl/TSP-W/article/view/54409> [Accessed 26 Jun. 2025].
23. Jeevan, J., Keng Bin, L., Rosni Othman, M., Mohd Salleh, N.H., Somu, R. and Ming Ming, S. (2021). Cross-border freight movement between Thailand, Malaysia, and Singapore. *Pomorstwo*, 35(2), pp.341–352. Available at <https://doi.org/10.31217/p.35.2.16> [Accessed on 26/06/2025].
24. Kashwan, P., V. Duffy, R., Massé, F., Asiyambi, A.P. and Marijnen, E. (2021). From Racialised Neocolonial Global Conservation to an Inclusive and Regenerative Conservation. *Environment: Science and Policy for Sustainable Development*, 63(4), pp.4–19. Available at <https://doi.org/10.1080/00139157.2021.1924574> [Accessed on 26/06/2025].
25. Kim, M.D. (2022). Advocating ‘Refugees’ for Social Justice: Questioning Victimhood and Voice in NGOs’ Use of Twitter. *International Journal of Communication*, [online] 16(0), p.21. Available at: <https://ijoc.org/index.php/ijoc/article/view/17116> [Accessed on 26/06/2025].
26. Kondratenko, T. (2021). *Why Russia has so many oil leaks* | DW | 29.03.2021. [online] DW.COM. Available at: <https://www.dw.com/en/russia-oil-spills-far-north/a-56916148> [Accessed on 26/06/2025].
27. Maciej Nyka (2022). Crime against the natural environment – ecocide – from the perspective of international law. *Eastern European Journal of Transnational Relations*, [online] 6(2), pp.9–16. Available at <https://www.ceeol.com/search/article-detail?id=1099214> [Accessed on 26/06/2025].
28. Minkova, L.G. (2021). The Fifth International Crime: Reflections on the Definition of ‘Ecocide’. *Journal of Genocide Research*, 25(1), pp.1–22. Available at <https://doi.org/10.1080/14623528.2021.1964688> [Accessed on 26/06/2025].
29. Mohamed-Benkadda, N. and Bonillo, J.G. (2025). The French Climate and Resilience Law: Some Lessons in Legal Innovation and Climate Governance. *Environmental Policy and Law*. Available at <https://doi.org/10.1177/18785395251352393> [Accessed on 26/06/2025].
30. Moribe, C.M., Pereira, F.D.L.B. and França, N.P.C.D. (2023). ECOCIDE: A NEW CHALLENGE FOR THE INTERNATIONAL CRIMINAL LAW AND HUMANITY. *Journal of International Criminal Law*, [online] 4(1), pp.28–40. Available at <https://doi.org/10.22034/jicl.2023.172299> [Accessed on 26/06/2025].
31. Nowak, E. (2022). From Genocide to Ecocide. Essentials of a new category of international crime against humanity. *Undecidability and Law*, (2), pp.75–98. Available at https://doi.org/10.14195/2184-9781_2_4 [Accessed on 26/06/2025].
32. Null, A.S. (2021). *Nornickel must pay €1.62 billion for its huge oil spill on the Arctic tundra*. [online] Thebarentsobserver.com. Available at: <https://www.thebarentsobserver.com/industry-and-energy/nornickel-must-pay-162-billion-for-its-huge-oil-spill-on-arctic-tundra/139014> [Accessed 26 Jun. 2025].
33. Numbere, A.O., Gbarakoro, T.N. and Babatunde, B.B. (2023). Environmental Degradation in the Niger Delta Ecosystem: The Role of Anthropogenic Pollution. *Sustainable development and biodiversity*, pp. 411–439. Available at https://doi.org/10.1007/978-981-19-69744_15 [Accessed on 26/06/2025].
34. OGUNLUSI, A. (2023). A CRITICAL CASE STUDY REVIEW OF THE 1984 BHOPAL CYANIDE GAS LEAK DISASTER IN INDIA. [online] Available at: http://researchgate.net/profile/Abiola-Ogunlusi-2/publication/374975217_a_critical_case_study_review_of_the_1984_bhopal_cyanide_gas_leak_disaster_in_india/Links/65b0e8a49ce29c458ba9ad5a/A-Critical-Case-Study-Review-Of-Tse_study_review_of_the_1984_bhopal_cyanide_gas_leak_disaster_in_india/Links/65b0e8a49ce29c458ba9ad5a/A-Critical-Case-Study-Review-Of-The-1984-Bhopal-Cyanide-Gas-Leak-Disaster-In-INDIA.pdf [Accessed 26 Jun. 2025].
35. Olson, K.R. and Cihacek, L. (2022). How United States Agricultural Herbicides Became Military and Environmental Chemical Weapons: Historical and Residual Effects. *Open Journal of Soil Science*, 12(02), 13–81. Available at <https://doi.org/10.4236/ojss.2022.122002> [Accessed on 26/06/2025].
36. Palahniuk, V. (2024). *Cases under the convention on the prevention and punishment of the crime of genocide before the international court of justice* /. [online] epublications.vu.lt. Available at: <https://epublications.vu.lt/object/elaba:191367372/> [Accessed on 26/06/2025].

37. Palarczyk, D. (2023). Ecocide Before the International Criminal Court: Simplicity is Better Than an Elaborate Embellishment. *Criminal Law Forum*, 34. Available at <https://doi.org/10.1007/s10609-023-09453-z> [Accessed on 26/06/2025].
38. Republic of Türkiye Ministry of Foreign Affairs (2022). *The Events of 1915 and the Turkish-Armenian Controversy over History: An Overview*. [online] Republic of Turkey Ministry of Foreign Affairs. Available at: https://www.mfa.gov.tr/the-events-of-1915-and-the-turkish-armenian-controversy-over-history_-an-overview.en.mfa [Accessed on 26/06/2025].
39. Robinson, D. (2022). Ecocide – Puzzles and Possibilities. *Journal of International Criminal Justice*, 20(2), pp.313–347. Available at <https://doi.org/10.1093/jicj/mqac021> [Accessed on 26/06/2025].
40. Rupali, R. (2024). *ILI Law Review Special Issue 2023 FEASIBILITY AND RELEVANCE OF CRIMINALIZING ECOCIDE*. [online] Available at: <https://ili.ac.in/pdf/3sum23.pdf> [Accessed on 26/06/2025].
41. Sadat, L.N. (2023). *The International Criminal Court of the Future*. [online] brill.com. Available at: <https://brill.com/edcollchap/book/9789004529939/BP000031.xml> [Accessed on 26/06/2025].
42. Setyani Dwi Lestari, Farah Margaretha Leon, Selamet Riyadi, Qodariah Qodariah and Halim, A. (2024). Comparison and Implementation of Environmental Law Policies in Handling Climate Change in ASEAN Countries: A Comparative Study of Indonesia, Malaysia, and Thailand. *International Journal of Energy Economics and Policy*, 14(2), pp.687–700. Available at <https://doi.org/10.32479/ijeep.14998> [Accessed on 26/06/2025].
43. Sharma, R. (2025). Ecocide as the Fifth International Crime: Is the Rome Statute Compatible with Ecocide? *Völkerrechtsblog [online]*. Available at <https://doi.org/10.17176/20250116-225415-0> [Accessed on 26/06/2025].