



# The Criminalization of Environmental Harm: Towards Stronger Ecocide Legislation

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**Abstract**— Environmental destruction has reached unprecedented levels in the twenty-first century, threatening biodiversity, climate stability, human health, and global security. Traditional environmental regulations—primarily civil penalties, administrative sanctions, and fragmented criminal provisions—have proven insufficient to deter large-scale ecological damage caused by corporations, state actors, and transnational activities. In response, scholars, policymakers, and civil society movements have advanced the concept of ecocide as an international crime, comparable in gravity to genocide, crimes against humanity, and war crimes. Ecocide refers broadly to severe, widespread, or long-term environmental harm that endangers ecosystems and human survival. This manuscript examines the legal, ethical, and practical foundations for criminalizing environmental harm through robust ecocide legislation.

The study analyzes existing environmental criminal law frameworks, identifies gaps in enforcement, and explores emerging proposals to include ecocide within international criminal law. Particular attention is given to the limitations of current mechanisms, including corporate liability loopholes, jurisdictional challenges, weak penalties, and the absence of universal standards for environmental protection. The paper also evaluates the normative justification for treating environmental destruction as a crime against peace and humanity,

drawing on principles of intergenerational justice, ecological integrity, and human rights.

The research argues that stronger ecocide legislation could transform environmental governance by shifting the focus from regulatory compliance to criminal accountability. Such legislation would impose personal liability on decision-makers, deter reckless industrial practices, and provide justice for affected communities and ecosystems. However, challenges remain, including defining the legal threshold for ecocide, balancing development needs with environmental protection, and ensuring equitable enforcement across developed and developing nations.

Ultimately, the manuscript concludes that recognizing ecocide as a serious international crime is both a legal necessity and a moral imperative in an era of accelerating environmental crises. Stronger legal frameworks, coordinated global action, and integration with human rights law are essential to prevent irreversible ecological harm and safeguard planetary stability for future generations.

## KEYWORDS

*Ecocide, environmental crime, environmental law, climate justice, international criminal law, ecological destruction,*

*corporate liability, environmental governance, sustainability, human rights*

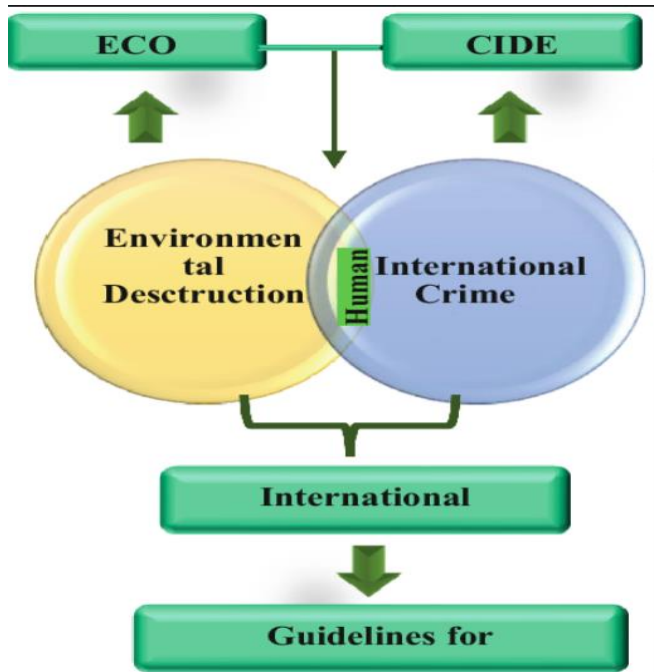


Figure 1: Ecocide as an International Crime Framework

**INTRODUCTION**

Environmental harm has become one of the defining challenges of modern civilization. Rapid industrialization, extractive economic models, deforestation, fossil fuel dependence, and unsustainable consumption patterns have led to climate change, mass species extinction, ocean degradation, and widespread pollution. While environmental protection laws exist in most jurisdictions, enforcement remains uneven, and penalties often fail to reflect the magnitude of ecological damage inflicted.

Traditional environmental law operates primarily through regulatory frameworks that impose fines, remediation requirements, or administrative sanctions. These mechanisms are frequently inadequate when dealing with catastrophic environmental events such as oil spills, toxic waste dumping, large-scale deforestation, or deliberate destruction of ecosystems during armed conflict. In many cases, corporations treat fines as operational costs rather than deterrents, allowing harmful practices to continue.

The concept of **ecocide** emerged as a response to this gap. Originally discussed during debates on environmental destruction in wartime, the term has evolved to encompass peacetime activities that cause severe ecological damage. Advocates argue that environmental destruction on a massive scale threatens not only local ecosystems but also global stability, public health, food security, and human rights.

Consequently, such acts should be treated as serious crimes rather than regulatory violations.

The push for ecocide legislation has gained momentum due to growing awareness of climate change and biodiversity loss. International organizations, legal scholars, indigenous communities, and environmental movements increasingly call for recognition of ecocide as a crime under international law. Some national jurisdictions have already introduced criminal provisions addressing severe environmental harm, but these remain limited in scope and effectiveness.

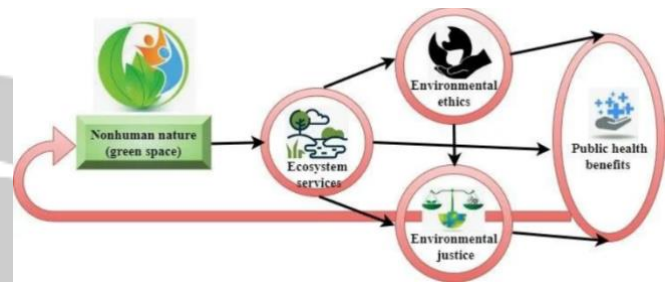


Figure 2: Environmental Protection and Human Well-Being Linkages

Criminalizing environmental harm raises complex legal and ethical questions. What level of damage constitutes ecocide? Who should be held responsible—states, corporations, or individual decision-makers? How can laws balance environmental protection with economic development, particularly in countries reliant on natural resource extraction? Addressing these questions requires a comprehensive analysis of existing legal frameworks and emerging proposals.

This manuscript aims to explore the necessity and feasibility of stronger ecocide legislation. It examines the shortcomings of current environmental law, the evolution of environmental criminal liability, and the potential impact of recognizing ecocide as a distinct international crime. By doing so, the study contributes to ongoing debates about how legal systems can respond effectively to the escalating environmental crisis.

**LITERATURE REVIEW**

**1. Evolution of Environmental Criminal Law**

Early environmental regulations focused primarily on conservation and pollution control rather than criminal accountability. Scholars note that environmental law initially developed as administrative law, emphasizing permits, standards, and compliance mechanisms. Criminal provisions were introduced later, often targeting specific acts such as illegal dumping or wildlife trafficking.

Research indicates that environmental crime has become increasingly sophisticated and transnational. Organized



networks engage in illegal logging, mining, fishing, and waste trafficking, generating substantial profits while undermining environmental governance. Despite this, enforcement agencies frequently lack resources, technical expertise, or political support to prosecute offenders effectively.

Legal scholars emphasize that existing criminal provisions typically address localized harm rather than systemic ecological destruction. Penalties are often limited to fines or short-term imprisonment, which may not reflect the irreversible nature of environmental damage.

## 2. The Concept of Ecocide

The idea of ecocide has been discussed for decades but gained renewed attention in the context of climate change and large-scale environmental disasters. Academic literature defines ecocide as extensive damage to ecosystems that severely disrupts the peaceful enjoyment of territory by its inhabitants.

Several scholars argue that ecocide should be recognized as the fifth international crime under global criminal law frameworks. Proponents contend that environmental destruction can have consequences comparable to other international crimes, including displacement, famine, conflict, and loss of cultural heritage. The destruction of ecosystems often disproportionately affects vulnerable populations, particularly indigenous communities whose livelihoods depend on natural resources.

However, critics caution that defining ecocide poses significant challenges. Environmental harm can be difficult to measure, causation may be complex, and scientific uncertainty can complicate legal proceedings. Additionally, concerns exist that overly broad definitions could criminalize legitimate economic activities.

## 3. Corporate Accountability and Environmental Harm

A substantial body of literature examines the role of corporations in environmental degradation. Multinational companies involved in fossil fuel extraction, mining, agriculture, and manufacturing have been linked to large-scale ecological damage. Scholars argue that corporate structures often shield executives from personal liability, allowing harmful decisions to be made without meaningful consequences.

Research highlights the inadequacy of voluntary corporate social responsibility initiatives in preventing environmental harm. While sustainability reporting and environmental standards have improved transparency, they do not necessarily ensure compliance or accountability. Criminal

liability, particularly targeting senior decision-makers, is viewed as a more effective deterrent.

The literature also discusses the challenges of prosecuting corporations across jurisdictions. Environmental harm often spans national boundaries, creating conflicts of law and enforcement gaps. International cooperation is therefore essential for effective accountability.

## 4. Human Rights and Environmental Protection

Recent scholarship increasingly links environmental harm to human rights violations. Pollution, climate change, and ecosystem destruction can threaten rights to life, health, food, water, housing, and cultural identity. Courts in various jurisdictions have recognized that environmental degradation can undermine fundamental rights, particularly for marginalized communities.

The human rights framework strengthens the argument for criminalizing severe environmental harm. If environmental destruction leads to widespread suffering or displacement, it may warrant treatment as a crime against humanity. Scholars emphasize that integrating environmental protection with human rights law could enhance legal remedies and accountability mechanisms.

## 5. International Legal Developments

Efforts to incorporate ecocide into international law have intensified in recent years. Legal experts have proposed definitions emphasizing “severe and either widespread or long-term damage to the environment.” Some national legislatures have considered or adopted laws criminalizing ecocide, reflecting growing political support.

Nevertheless, international consensus remains elusive. States differ in their economic priorities, environmental policies, and legal traditions. Developing countries often express concern that strict environmental criminal laws could hinder economic growth or be applied selectively against them.

Scholarly debates also focus on enforcement mechanisms. International criminal proceedings are complex, costly, and politically sensitive. Questions remain about jurisdiction, evidence standards, and the role of international courts versus domestic legal systems.

## METHODOLOGY

This study adopts a qualitative, interdisciplinary research approach to examine the feasibility and implications of stronger ecocide legislation. The methodology integrates legal analysis, comparative policy review, and normative

evaluation to understand how environmental harm can be effectively criminalized.

First, doctrinal legal analysis was conducted to evaluate existing environmental criminal laws at national and international levels. Statutes, judicial decisions, treaties, and policy documents were examined to identify prevailing legal standards, definitions of environmental crime, and enforcement mechanisms. Particular attention was paid to provisions addressing large-scale environmental damage, corporate liability, and transboundary harm.

Second, a comparative approach was used to analyze environmental criminal frameworks across different jurisdictions. Countries with advanced environmental protection regimes were compared with those where enforcement remains weak or inconsistent. This comparison helped identify best practices, common challenges, and institutional factors influencing effectiveness.

Third, the study incorporated policy analysis of international initiatives aimed at recognizing ecocide as a global crime. Proposals from legal scholars, environmental organizations, and expert panels were reviewed to assess emerging definitions, thresholds of harm, and enforcement models.

Fourth, the research employed normative ethical analysis to evaluate the moral justification for criminalizing environmental harm. Concepts such as intergenerational justice, ecological integrity, and the rights of nature were considered to determine whether traditional legal frameworks adequately capture the gravity of ecological destruction.

Finally, secondary data from academic literature, environmental reports, and case studies were synthesized to understand real-world impacts of environmental harm and the limitations of existing legal responses. This comprehensive methodology ensures a balanced assessment of legal feasibility, policy implications, and ethical considerations.

## RESULTS

The analysis reveals significant gaps in current environmental governance that justify stronger ecocide legislation.

### 1. Inadequate Deterrence Under Existing Laws

Existing environmental regulations often fail to deter large-scale harm. Penalties are frequently limited to monetary fines that corporations can absorb as operational costs. Criminal prosecutions are rare, and when they occur, they typically target lower-level employees rather than senior decision-makers responsible for harmful policies.

### 2. Fragmentation of Legal Frameworks

Environmental protection laws vary widely across jurisdictions, leading to regulatory loopholes. Corporations may relocate harmful activities to countries with weaker regulations, a phenomenon sometimes described as “pollution havens.” The absence of universal standards undermines global environmental protection efforts.

### 3. Limited Recognition of Ecological Harm as a Serious Crime

Most legal systems treat environmental offenses as regulatory violations rather than crimes of grave concern. This approach fails to reflect the irreversible nature of certain environmental harms, such as species extinction or ecosystem collapse.

### 4. Challenges in Corporate Accountability

Corporate structures often shield executives from personal liability. Complex chains of command make it difficult to prove intent or negligence, allowing decision-makers to evade prosecution even when environmental damage is severe.

### 5. Disproportionate Impact on Vulnerable Communities

Environmental harm frequently affects indigenous peoples, rural populations, and economically disadvantaged groups. Loss of land, water contamination, and climate-related disasters can lead to displacement, poverty, and cultural erosion. Existing legal frameworks provide limited avenues for justice or compensation.

### 6. Emerging Support for Ecocide Legislation

Despite challenges, there is growing international support for recognizing ecocide as a serious crime. Advocacy movements, legal experts, and some governments argue that criminal accountability is necessary to prevent catastrophic environmental damage.

## CONCLUSION

Environmental degradation has reached a level that threatens planetary stability and human survival. Traditional regulatory approaches, while important, have proven insufficient to prevent large-scale ecological harm. The concept of ecocide offers a transformative legal framework by recognizing severe environmental destruction as a crime of the highest order.

This study demonstrates that stronger ecocide legislation could enhance deterrence, close accountability gaps, and provide justice for affected communities. By imposing criminal liability on individuals and institutions responsible for catastrophic environmental damage, such laws would shift

incentives toward sustainable practices and long-term ecological stewardship.

However, significant challenges must be addressed. Defining ecocide in legally precise terms, ensuring equitable application across nations, balancing environmental protection with development needs, and establishing effective enforcement mechanisms are all critical considerations. Without careful design, legislation risks either ineffectiveness or unintended consequences.

Despite these challenges, the urgency of the global environmental crisis makes inaction untenable. Climate change, biodiversity loss, pollution, and ecosystem collapse demand legal responses commensurate with their severity. Recognizing ecocide as a serious crime would signal a paradigm shift in international law—one that acknowledges the intrinsic value of nature and the interdependence of human and ecological well-being.

Ultimately, stronger ecocide legislation represents not only a legal reform but a moral commitment to future generations. By criminalizing the most destructive forms of environmental harm, the global community can move toward a more just, sustainable, and resilient world where economic progress no longer comes at the expense of planetary survival.

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