

# International Criminal Law: Should Ecocide Become the Fifth Core International Crime?

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## Abstract

In recent years, climate change and environmental damage have had a profound impact on the global ecosystem and human society. Climate change and ecological destruction have become a global crisis, but the current international criminal law system has not yet provided an adequate legal response to large-scale environmental destruction. This paper explores whether ecocide should be incorporated into the Rome Statute as the fifth core international crime after war crimes, genocide, crimes against humanity and crime of aggression. By analyzing the legal basis of ecocide and its global impact, the paper assesses the necessity and feasibility of incorporating the crime of ecocide and discusses the future of the topic in the light of existing academic research.

**Keywords:** ecocide, international criminal law, environmental crimes, Rome Statute

## 1. Introduction

Climate change and environmental destruction have become global crises, but existing international criminal law has yet to include them as core crimes. In recent years, with the rapid changes in climate change and the deepening of environmental destruction, legal scholars and environmental organizations have promoted the concept of “ecocide” in the hope of incorporating intentional and systematic environmental destruction into the international criminal law system. Polly Higgins has argued that ecocide should have the same legal status as genocide and war crimes in order to deter large-scale environmental destruction. In addition, the United Nations Environment Programme has emphasized that the existing

international legal framework fails to adequately address the issue of criminal liability for serious environmental damage.

In addition, from the legal level, ecocide is similar to other core international crimes (e.g., genocide, crimes against humanity) in some aspects. Sands points out that ecocide is essentially an act of systematic destruction of the environment, jeopardizing the basis of human existence, and is comparable to genocide in terms of the scope of its impact and seriousness. Therefore, the establishment of the crime of ecocide not only has a legal basis, but also conforms to the development trend of international criminal law.

## 2. Historical Trends in the Development of Ecocide as the Fifth Core International Crime

The crime of ecocide, as an independent concept of international crime, is not a new concept. Its development has gone through a long period of academic discussion, legal practice and international political gamesmanship. From its beginnings as an act of environmental destruction to today's global debate on whether it should become the fifth core international crime, the historical trend of ecocide has evolved over a long period of time.

### *2.1 Early Attention to Environmental Crimes and the Inspiration of Genocide*

In 1941, Winston Churchill, in describing the German invasion of the Soviet Union, referred to a "crime without a name" to describe Nazi Germany's deliberate destruction of specific groups. The term "genocide" was then first coined by Raphael Lemkin in his 1944 book *Axis Rule in Europe*. Subsequently, the United Nations adopted a resolution in 1946 recognizing that genocide constitutes an international crime, and the Convention on the Prevention and Punishment of the Crime of Genocide (Genocide Convention) was adopted in 1948, culminating in the 1998 Rome Statute recognizing the crime as one of the four core international crimes under the jurisdiction of the International Criminal Court.

Some scholars have pointed out that the provision of the Convention on the Prevention and Punishment of the Crime of Genocide, "intentionally inflicting on a group conditions of life that are difficult for it to survive", should theoretically include the intentional destruction of ecosystems on which the group depends for its survival. As a result, the crime of ecocide was gradually introduced in the academic community and a conceptual analogy was drawn with genocide, laying the groundwork for subsequent legal developments.

### *2.2 Development of the Concept of "Ecocide" and Early International Discussions*

The term ecocide was first coined by Professor Arthur W. Galston at the February 1970 Conference on War and National Responsibility. He criticized the ecological damage caused by the use of Agent Orange by the United States during the Vietnam War as a deliberate act of environmental destruction that should be condemned under international law. He argued that the international community should draft an international convention against ecocide, similar to the Nuremberg Trial's finding of

genocide, and that the United Nations was best suited to take on this responsibility.

In 1972, the United Nations Conference on the Human Environment was held in Stockholm, and the then Prime Minister of Sweden, Olof Palme, used the term "ecocide" in his opening speech, re-emphasizing the harsh environmental impact of the use of Agent Orange in the Vietnam War, which gradually gained the concept international attention. In 1973, international law scholar Richard Falk further deepened the legal framework of the crime of ecocide, suggesting that it could be analogous to genocide. In 1973, Richard Falk further deepened the legal framework of the crime of ecocide, suggesting that it could be analogized to the crime of genocide. He wrote the Draft on International Convention on the Crime of Ecocide and suggested that the United Nations draft a relevant legal document to explicitly prohibit acts that cause irreversible damage to ecosystems. Since then, the concept of ecocide has gradually moved from academic discussion to the practice of international law.

### *2.3 The International Law Commission and the Legal Attempt to Commit Ecocide*

As early as 1954, the International Law Commission (ILC) drafted the Draft Code of Offences Against the Peace and Security of Mankind, article 22 of which dealt with "the use of methods or means of warfare likely to cause widespread or long-term damage to the natural environment", Article 22 deals with "the use of methods or means of warfare likely to cause widespread and long-term damage to the natural environment", while article 26 proposes that "individuals who intentionally and seriously damage the environment shall be held internationally criminally responsible".

In 1991, the bill was renamed the Draft Code of Crimes Against the Peace and Security of Mankind (Draft Code of Crimes Against the Peace and Security of Mankind), which further discussed the scope of application of the crime of ecocide. However, during the final deliberations in 1996, the relevant provisions on ecocide were deleted, probably mainly due to the issue of legal liability for nuclear weapons testing. Some countries were concerned that the inclusion of environmental crimes in the core international crimes would affect their own military and nuclear policies, and the article was ultimately not adopted.

## 2.4 Contemporary International Promotion of the Crime of Ecocide

In recent years, the crime of ecocide has re-entered the international legal discourse. In 2019, the Republic of Vanuatu and the Republic of Maldives formally proposed consideration of the concept of ecocide at the 18th Assembly of States Parties to the ICC. French President Emmanuel Macron has also supported legislation on the crime on several occasions, while the Belgian government formally raised the subject of ecocide-related issues with the ICC in 2020.

In November 2020, a committee of international legal experts began drafting a legal definition of the crime of ecocide, a group of experts co-chaired by Philippe Sands QC and Dior Fall Sow, and in June 2021 officially published a draft law on the crime of ecocide. This draft provides a clearer legal framework for the crime of ecocide and promotes international consideration of its inclusion in the Rome Statute.

### 3. Legal Basis of the Crime of Ecocide

The concept of ecocide dates back half a century, and the evolution of international criminal law over more than 50 years has provided considerable background to the concept of “ecocide”. Therefore, before determining whether ecocide can be included among the core international crimes, it is important to clarify the relationship between the relevant legal foundations that already exist in international law, including the relevant theoretical foundations of international environmental law and international human rights law.

#### 3.1 International Environmental Law: Theoretical Origins of the Crime of Ecocide

The theoretical basis for the crime of ecocide begins with international environmental law, particularly in multilateral international environmental treaties and conventions. For example, the United Nations Framework Convention on Climate Change (UNFCCC) and the Convention on Biological Diversity (CBD) explicitly state that states should take responsibility for preventing environmental damage, especially when such damage crosses national boundaries, and international treaties require states to take measures to combat climate change, protect ecosystems, and avert environmental disasters (Vinales, 2020). These international agreements not only set the basic

obligations of states for environmental protection, but also emphasize the importance of global cooperation in combating environmental crises. The International Court of Justice has further elaborated on the threat to the human condition posed by serious environmental damage in a number of jurisprudences on environmental liability, stating that environmental damage is not just an infringement of natural resources, but also has a far-reaching impact on the survival and well-being of citizens around the globe, which provides a legal basis for the crime of ecocide.

#### 3.2 International Human Rights Law: Doctrinal Support for the Crime of Ecocide

In international human rights law, recent developments on the “right to a clean environment” have provided solid legal support for the crime of ecocide. The United Nations Human Rights Council officially recognized in 2021 that a clean environment has become one of the fundamental human rights of global citizens. The recognition of this human right means that when states or transnational corporations take steps to destroy the environment that result in serious ecological consequences, they are not only violating natural resources, but they may also be violating basic human rights, such as the right to life and the right to health, of global citizens. This argument further strengthens the legitimacy of ecocide as an international criminal law offense within the framework of international law. By closely linking environmental destruction to the human condition, international human rights law provides significant support for the legitimacy of ecocide and ensures that the safeguarding of environmental rights is an essential part of the global rule of law system.

The legal basis for the crime of ecocide is therefore well supported in international environmental law and international human rights law. International environmental law provides the theoretical basis for the crime through multilateral treaties and conventions, clarifying the responsibility of States in preventing environmental damage. And international human rights law provides solid support for the legality of the crime of ecocide by recognizing the right to a clean environment as a fundamental human right. The combination of the two provides a relevant legal basis for global ecological protection and helps to support the campaign to criminalize the crime of

ecocide.

#### **4. The Need for the Inclusion of Ecocide in the Rome Statute**

##### *4.1 Limitations of Existing Laws*

Although international criminal law provides a framework for combating environmental destruction in many ways, the existing body of law has significant limitations in responding to large-scale environmental destruction, particularly ecocide in peacetime. Existing international criminal law is designed to focus on the core international crimes of war crimes, genocide, crimes against humanity, and aggression, but the scope of application and definitions of these offenses remain insufficient to address transnational environmental crimes.

First, while the war crimes provisions of the Rome Statute cover damage to the environment in wartime, they are limited to environmental damage in the context of war and their application is more restricted. For example, article 8 of the Rome Statute provides that “serious damage to the natural environment” caused by war may constitute a war crime. However, this provision only applies to environmental damage during armed conflict and does not take into account the long-term damage to global ecosystems caused by environmental damage in peacetime, especially when led by governments or multinational corporations. As a result, the current legal system fails to effectively cover global environmental crises resulting from activities such as large-scale development, pollution, illegal mining, and deforestation, which often do not meet the traditional definition of war crimes, rendering them ineffectively sanctioned under the existing framework.

Secondly, the current system of international criminal law has failed to adapt to the rapidly changing global environmental problems. With the exacerbation of climate change and the destruction of ecosystems, environmental problems have transcended their traditional regional and localized scope and have become global crises. Problems such as climate change, deforestation and pollution are no longer confined to a particular region, but concern the balance of the global ecology and the long-term survival of mankind. Most of these problems occur in peacetime and are not caused by explicit armed conflict. As a result, the existing framework of international criminal law,

especially the provisions for environmental damage in times of war, is inadequate to cover the increasingly complex and widespread environmental damage.

Thirdly, although provisions for crimes against humanity exist in the international criminal law system, they still fail to criminalize the environment as a stand-alone crime. For example, crimes against humanity involve a systematic attack on the human collective, but the existing framework of crimes focuses on direct acts of violence against people and does not include ecological destruction as a component of systematic violence. The lack of a specialized crime of ecocide to address acts that cause widespread, long-term and irreversible ecological damage therefore means that we are unable to robustly hold accountable, within the framework of international criminal law, those States or corporations that engage in large-scale environmental destruction in peacetime.

As a result, there is an obvious legal gap in the existing international criminal law system in dealing with environmental damage, especially acts of mass ecocide. Although some articles make certain provisions on environmental damage, these provisions are mostly limited to war or specific situations, and do not form a complete and unified system to deal with transnational and transgenerational environmental crimes. Therefore, the incorporation of the crime of ecocide into the Rome Statute as an independent international crime not only supplements the existing legal gaps, but also provides a powerful legal tool for global environmental governance, thereby filling the gaps in international law in this area.

##### *4.2 Global Impacts of Ecocide*

The crime of ecocide has far-reaching consequences not only for the environment itself, but also for global climate change, human society and economic development in a wide range of negative ways. As the process of globalization accelerates and environmental destruction increases, the consequences of ecocide are not limited to the collapse of ecosystems, but also lie in its far-reaching impact on human society and the global order.

###### **4.2.1 Influencing Climate Change: Increasing Global Warming**

The contribution of ecocide behaviors to global climate change is one of the most significant effects. Deforestation, over-exploitation of land,



and pollution emissions directly contribute to the process of global warming. According to Vinuales, deforestation not only reduces the Earth's carbon sinks that can absorb carbon dioxide, but also releases large quantities of greenhouse gases, leading to an increase in the greenhouse effect. In addition, polluting emissions from industrial and agricultural production, such as sulfur dioxide, nitrogen oxides, and other greenhouse gases, further contribute to global warming. Large-scale energy consumption, especially in countries dependent on fossil fuels such as coal and oil, and the neglect of environmental costs in the course of economic development have directly contributed to the acceleration of climate warming.

Against the backdrop of global warming, climate change has become one of the core issues of global governance, and the crime of ecocide was proposed precisely in the hope that international criminal law would provide more serious and powerful legal constraints on the global climate crisis.

#### 4.2.2 Human Rights Violations: Environmental Damage and Increased Social Vulnerability

In addition to the destruction of the natural environment, the consequences of ecocide are also reflected in the violation of human society and human rights. Environmental degradation not only affects the sustainability of ecosystems, but also directly threatens the basic conditions of existence of human societies, especially for poor regions, indigenous groups and low-income countries, where ecological degradation often means scarcity of resources and deterioration of living conditions.

First, environmental damage has a particularly serious impact on food security. Climate change exacerbates the frequency of natural disasters, such as droughts and floods, directly affecting crop growth and the stability of agricultural production. In many developing countries, agriculture is the basis of economies and livelihoods, and extreme weather events often lead to large-scale crop failures, famine and water shortages. For example, the frequent droughts and floods in sub-Saharan Africa in recent years have led to severe food shortages and humanitarian crises, plunging thousands of people into poverty and hunger.

Secondly, the impact of environmental degradation on water resources is even more

pronounced. Pollution of water resources and the shortage of freshwater supplies have become important problems for countries around the globe. Industrial pollution, agricultural drainage and illegal mining have led to the contamination of large numbers of rivers, lakes and groundwater sources, jeopardizing not only the safety of human drinking water but also the normal functioning of ecosystems. For communities and countries that depend on water resources for their survival, water scarcity means an extreme deterioration in living conditions, which in turn affects health, productivity and social stability.

In addition, the violation of indigenous peoples' right to subsistence is an important aspect of the impact of the crime of ecocide. Indigenous groups typically live in important ecological zones around the world, such as tropical rainforests, wetlands and mountainous areas, and their livelihoods and cultures are closely linked to these ecosystems. Ecocide behavior, especially large-scale deforestation, mineral extraction and land encroachment, directly threatens the living space of these groups and the continuation of their traditional cultures. The ecocide faced by many aboriginal communities is not only the loss of physical space, but also the loss of control over traditional lands and resources and the destruction of their way of life. The indigenous peoples' rights to survival, culture and development are often not adequately protected in these acts of environmental destruction, creating a long-term injustice for socially vulnerable groups.

In summary, ecocide not only causes irreversible damage to global ecosystems, but also exacerbates climate change, threatens the basic conditions of human existence and deepens social inequality and vulnerability. However, the current international criminal law system has obvious limitations in addressing these issues and is unable to effectively penalize acts of large-scale environmental destruction committed by States, enterprises or other subjects in peacetime. Therefore, the inclusion of the crime of ecocide in the Rome Statute will not only make up for the shortcomings of the existing legal system, but also strengthen global environmental governance through legal means and provide more serious and powerful legal constraints on the climate crisis, human rights protection and sustainable development.

#### 5. Legal Feasibility of Incorporating the Crime

## of Ecocide into International Criminal Law

According to the standards of international criminal law, core international crimes must meet several key elements: extensiveness or systematicity, specificity, and international concern. These elements constitute the basic criteria for determining whether a crime should be included in the international criminal law system. The legal feasibility and applicability of ecocide as a new international crime should be assessed through these three elements.

### *5.1 Extensiveness or Systematicity: Scale and Ripple Effects of Environmental Damage*

Extensiveness and system city are paramount in determining whether an act constitutes a core international crime. According to Hall, large-scale environmental destruction is usually systematic, involves multiple countries or regions, and often has long-term, irreversible consequences. The central characteristic of ecocide is that its destructive behavior is not merely localized or episodic, but has global and systemic effects. Phenomena such as global warming, marine pollution, deforestation and species extinction, for example, are often the result of the actions of multiple States, and their impacts cross national, generational and ecosystem boundaries.

This broad and systemic nature in the definition of ecocide is one of the legal foundations of its status as a core international crime. Whether it is governmental acts, destructive production activities by transnational corporations, or illegal logging and mining in some regions, they all have far-reaching effects on the global ecosystem. These acts are not merely localized environmental pollution, but pose a fundamental threat to the global ecosystem. Ecocide therefore meets the criterion of being “Extensiveness or systematicity”, demonstrating its transnational nature and global reach, with the capacity to affect biodiversity, the climate system and the long-term well-being of human societies around the world.

### *5.2 Specificity: From Environmental Damage to Direct Impacts on Human Society*

“Specificity” is one of the most important criteria for determining whether a core international crime should be prosecuted. Although the crime of ecocide directly affects the natural environment, its ultimate purpose is to pose harm to human society indirectly or directly through the destruction of ecosystems.

The consequences of ecocide are not only a mere infringement of natural resources, but also a threat to the survival and development of all human beings. The harm to human society from this environmental destruction is far-reaching, affecting basic human needs such as living conditions, public health, food security, and water resources.

Increased climate change due to ecocide has not only led to an increase in global temperatures, but has also led to extreme weather events, rising sea levels and reduced agricultural yields, which in turn threaten the lives of hundreds of millions of people around the globe. Large-scale deforestation, on the other hand, not only affects the global oxygen cycle, but also destroys the living space of many indigenous peoples, resulting in serious violations of their rights to subsistence and culture. These acts of environmental destruction clearly demonstrate that ecocide is not only a crime against the natural environment, but also a direct threat to the global population, and in particular poses a great challenge to the survival and well-being of the most vulnerable groups, such as low-income countries and indigenous peoples.

### *5.3 International Concern: The Impetus of Global Mobilization and Transnational Cooperation*

International concern is another key factor in determining whether an act meets the criteria for a core international crime. The crime of ecocide, as an emerging crime in international criminal law, has attracted widespread global attention. Globally, especially international environmental organizations, nongovernmental organizations (NGOs), academics, and some governments have actively promoted the legislation and criminalization of ecocide. Mitchell points out that, with the growing problems of global climate change and ecological destruction, governments and international organizations are increasingly recognizing that existing legal frameworks are not able to adequately respond to the increasing severity of transnational environmental crimes.

International organizations such as the United Nations, the World Bank, and the International Red Cross have repeatedly mentioned the global threat of climate change and environmental destruction in international forums, and have called on countries to take more stringent legal measures to deal with environmental disasters. In addition, the International Criminal Court

(ICC) has also indicated that it may take environmental damage cases as one of the priority cases in the future and further promote the judicial application of the crime of ecocide. At the same time, the global environmental movement and increased public awareness have also brought the issue of ecocide to the forefront of international legal discussions.

At the national level, countries such as France and Belgium have explicitly introduced the crime of ecocide in their domestic legislation. The legal practices of these countries have not only had a significant impact domestically, but have also provided a model for future revisions of international criminal law and the incrimination of the crime of ecocide. Drafts of the crime of ecocide promoted by global environmental organizations have been endorsed by a number of national and regional organizations, and these initiatives mark the growing international recognition of the crime of ecocide and the widespread attention it has gained globally.

## **6. Pathways Towards the Inclusion of Ecocide as a Fifth Core International Crime**

Revision of the framework of the Rome Statute and extension of the jurisdiction of the International Criminal Court: legal path to the criminalization of the crime of ecocide.

Since its adoption in 1998, the Rome Statute has become an important cornerstone of international criminal law, setting the scope of jurisdiction and the crimes to be tried by the International Criminal Court (ICC). However, with the intensification of the global environmental crisis, the crime of ecocide, as an emerging international crime, urgently needs to be incorporated into the international criminal law framework. In order to effectively respond to this growing environmental threat, the Rome Statute must be amended both to clarify the legal definition of the crime of ecocide and to expand the jurisdiction of the ICC so that it can address peacetime environmental crimes. The following is an in-depth discussion of how to achieve these goals in three dimensions: clarification of the definition of the crime, addition of relevant provisions and expansion of jurisdiction.

### **6.1 Legal Definition of the Crime of Ecocide and Amendments to the Rome Statute**

The central question of ecocide is how to define the crime so that it can meet the criteria of a core

crime under the Rome Statute. While the current body of international law already provides clear definitions of war crimes, genocide, crimes against humanity, etc., the unique nature of ecocide requires some expansion of the existing framework. Ecocide can be defined as “the massive and systematic destruction of the natural environment resulting in a long-term and irreversible threat to the global ecosystem and the survival of humankind”. Such a definition must include the following elements:

**Large-scale and systematicity:** Unlike traditional environmental crimes, ecocide usually involves systemic acts of environmental damage, such as illegal mining, deforestation, and pollutant discharges led by transnational corporations, which not only affect local ecosystems, but also cause widespread ecological damage on a global scale.

**Irreversibility and long-term effects:** The key feature of ecocide is that the environmental damage it causes is irreversible and the consequences are usually long-term. For example, the effects of climate change, species extinction and ecological imbalances are all direct consequences of ecocide. This requires that the irreversibility of its consequences be explicitly provided for in the revision of the Rome Statute.

**Globalization and threats to human survival:** Ecocide is not limited to a particular country or region; its destructive nature transcends national boundaries and affects global ecosystems. The definition of the crime should therefore emphasize its global consequences and make clear how these acts threaten the human condition.

Having clarified the definition of the crime of ecocide, the next step is to create specialized provisions for it to be pursued and adjudicated in practice. These provisions should include a definition of the actors, particularly transnational corporations and Governments, for environmental destruction in peacetime, to ensure that the International Criminal Court is able to effectively hold them criminally accountable.

### **6.2 Recourse Provisions for the Crime of Ecocide and the Supplementation of the Relevant Legal Framework**

When the Rome Statute is revised, in addition to amending the definition of the crime, a specific provision on ecocide should be added in order

to allow for the effective prosecution of such crimes on a global scale. Unlike the existing war crimes and genocide, the subject of the crime of ecocide is more diverse, involving not only State actors but also transnational enterprises and non-State actors. The creation of the new provisions therefore requires in-depth exploration of the following aspects:

**Expansion of actors:** The criminal subject of ecocide should include not only national Governments, but also transnational corporations and other non-State actors. For transnational corporations, especially those involved in illegal resource extraction, environmental pollution and other destructive activities, criminal prosecution should be included. This requires that the International Criminal Court be able to investigate and try peacetime environmental crimes.

**Definition of transnational and global characteristics:** Another characteristic of ecocide is its transnational nature, which usually involves the joint participation of multiple States or ecological impacts transmitted across borders over a long period of time. For example, the exacerbation of climate change is closely related to the global emission of pollution, and the revised Rome Statute should clearly define how these transnational acts constitute criminal liability and ensure that the International Criminal Court is able to provide effective recourse against such large-scale, cross-border environmental crimes.

**Criteria for assessing environmental damage and conditions for recourse:** Since the effects of the crime of ecocide are usually long-term and complex, how to assess the seriousness and irreversibility of environmental damage has become a legal difficulty. For this reason, the revised article should consider relying on scientific assessment tools, such as environmental impact assessment reports and climate change projections, as an important basis for determining whether the crime meets the criteria for prosecution.

Through the establishment of these provisions, the International Criminal Court is able to respond more effectively to environmental crimes in today's globalized context and to avoid the constraints of an overly narrow legal framework on international justice.

### *6.3 Extension of the Jurisdiction of the International Criminal Court*

Currently, the jurisdiction of the International Criminal Court focuses mainly on the four core crimes of war crimes, genocide, crimes against humanity and aggression. Ecocide, however, as an emerging crime, has obvious non-wartime characteristics that call for an expansion of the ICC's jurisdiction. This expansion can be realized through the following paths:

**Extension of jurisdiction to peacetime environmental crimes:** The current Rome Statute mainly governs wartime environmental damage, but ecocide usually occurs in peacetime, especially in the case of environmental destruction led by Governments or transnational corporations. Therefore, the Rome Statute should be amended to explicitly provide the International Criminal Court with the authority to pursue the crime of ecocide in peacetime on a global scale. In that way, the International Criminal Court would no longer be limited to cases of wartime environmental damage, but would be able to pursue a range of long-term, systematic, transnational and irreversible acts of environmental destruction.

**Jurisdiction over transnational environmental crimes:** Ecocide often involves transnational acts, especially when transnational corporations or multiple countries collectively cause global ecological damage, and the International Criminal Court should have the power to try them. The revised Rome Statute should make clear provisions on the jurisdiction of such transnational environmental crimes and encourage States to pursue the crime of ecocide through international cooperation mechanisms.

## **7. Conclusions**

The essence of international criminal law should be based on stability while maintaining an attitude of constant openness, which is precisely the contemporary character that international criminal law should possess. With the rapid development of global science and technology and the advancement of economic globalization, acts of ecocide have become increasingly rampant, and such acts seriously threaten the common order and interests of the international community, posing a great risk to human life, health and property security. At the same time, it also poses a new challenge to the response mechanism of international criminal law. In order to respond effectively to that challenge, the international community should take unified action based on the harmonization of the



interests of all countries, which was in line with the current main theme of peace and development and could effectively curb the spread of international crime.

However, under the existing international legal framework, the issue of mass ecocide has not yet been effectively addressed. In response to this problem, and in order to give full play to the role of the International Criminal Court in the maintenance of world peace and security, States should, on the basis of continuous adaptation to the new situation, strengthen their cooperation, fill the gaps in the existing international criminal law and bring acts of ecocide within the jurisdiction of the International Criminal Court. This can be achieved by adding a new crime, ecocide, to the existing four core categories of international crimes. The establishment of the crime of ecocide will not only reveal the seriousness of ecological damage caused by the actions of States or organizations, but will also, by exerting pressure on the States concerned, prompt them to stop their destructive acts. By holding people accountable and imposing criminal penalties on the relevant subjects, the deterrent effect of the crime of ecocide is also not to be ignored, discouraging potential criminals from continuing to destroy the environment for fear of reputational and financial gain.

Historically, the inclusion of environmental crimes has long been discussed by the international community and the topic has been studied for decades within the United Nations. It is now time to fill this legal gap by incorporating the crime of ecocide into the international criminal law framework. The fact that there are many legal challenges to the creation of such a crime, in particular the lack of a clear legal definition, does not mean that this effort should be abandoned. Although the International Criminal Court itself had certain limitations, that did not prevent it from playing a role in solving major global problems. It was to be hoped that Governments, non-governmental organizations, civil society and other relevant stakeholders would continue to push legislators to establish the crime of ecocide and to progressively improve the Rome Statute.

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