

Challenges to the International Criminalization of Ecocide (Original Research)

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Extended Abstract

1. Introduction

The criminalization of ecocide faces numerous challenges at the international level, and thus, understanding and addressing these challenges is crucial for achieving environmental goals. These challenges stem not only from legal reasons but also from political, economic, and social factors. This article aims to examine and analyze the most significant challenges facing the international criminalization of ecocide.

One of the primary challenges in the criminalization of ecocide is the absence of a single, clear definition of this phenomenon at the international level. While many treaties and conventions stress the importance of environmental protection, ecocide is not explicitly defined as a specific crime in many of these documents. This vagueness makes it challenging to identify and assess environmentally harmful actions, leading to ineffective penalties.

Countries often have concerns about international interference in their internal affairs, which can hinder the adoption and enforcement of international laws to criminalize ecocide. Some nations may have economic or political interests in exploiting natural resources, making them hesitant to accept stringent regulations for ecocide. Additionally, the principle of national sovereignty in international relations may clash with the need for global oversight and enforcement of these regulations.

Even if international regulations are established to criminalize ecocide, a significant challenge lies in the lack of resources and enforcement capabilities. Many developing countries lack the necessary infrastructure and funding to

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effectively monitor and enforce these regulations. Issues such as a shortage of skilled personnel, surveillance equipment, and adequate funds for investigations and prosecutions can impede implementation.

A lack of coordination and cooperation between international and governmental institutions is another significant challenge in the criminalization of ecocide. Various international bodies, such as the United Nations, the European Union, the World Bank, and NGOs, may have differing goals, policies, and strategies in combating ecocide. This lack of coordination can lead to establishment of conflict between these entities, which leads to reduced effectiveness, and slow decision-making processes.

This descriptive-analytical study utilizes library resources to explore the challenges and obstacles hindering the international criminalization of ecocide. The hypothesis of the research is grounded in the belief that challenges in the execution, including weak legal frameworks and political differences between countries, impede the effective implementation of global ecocide criminal laws and regulations.

2. Research Gap and Objective

Ecocide, especially in its vast and complex dimensions, can have long-term and uncertain effects on the environment, economy, and societies. Scientific evidence and data for a thorough and accurate assessment of these effects are not yet fully available. This can lead to doubts about whether a particular action directly causes ecocide. In addition, scientific and technical complexities in measuring the exact amount of ecocide in some regions, especially in complex ecosystems, pose another challenge to criminalizing this phenomenon.

3. Methodology

The study was conducted descriptively and analytically, via on collection of information from library sources, legal instruments, and examining secondary authoritative sources such as international reports, scientific articles, conventions, and analysis of international jurists.

4. Key Findings

To overcome these challenges, one can point out to enhancing of cooperation between countries, international institutions, and civil society. Formulating a single and comprehensive definition, strengthening executive capacities, and raising public awareness are key tools to advance the criminalization process of ecocide. Additionally, providing financial and technical support to developing countries and creating transparency and global monitoring mechanisms can increase the effectiveness of these efforts.

Technology can be a powerful tool in preventing and identifying ecocides. Satellite images and data obtained from drones allow for tracking environmental

changes. Artificial Intelligence is also able to identify degradation patterns and provide decision-makers with the necessary warnings.

It is necessary to establish mechanisms such as the obligation to provide transparent environmental reports, impose heavy fines for violations, and encourage investment in sustainable projects. Furthermore, pressures from civil society and nonprofits can encourage companies to take more responsibility.

5. Contribution to the Field

This article addresses one of the main weaknesses of international law: the lack of a comprehensive and binding framework for protecting the environment from widespread destruction. The study aims to contribute to the promotion of international law's position by highlighting its shortcomings in the field of ecocide. The article focuses on several aspects, including emphasizing the need for an international legal framework for ecocide, providing a comprehensive and accurate definition of ecocide in international law, examining gaps in mechanisms for enforcement of legal instruments at the international level, proposing amendments to the statutes of the International Criminal Court, and exploring the role of diplomacy and international cooperation.

6. Conclusion

The criminalization of ecocide at the international level faces numerous challenges that must be recognized and addressed in order to achieve environmental goals. These challenges extend beyond legal barriers and also involve political, economic, social, and cultural factors. This article examines and analyzes the most significant challenges associated with the criminalization of ecocide at the international level.

One of the primary obstacles in achieving the goals advocated for in this study, is the absence of a comprehensive and precise definition of ecocide in international documents and treaties. While many of these documents stress the importance of environmental protection, the lack of clarity in defining this concept makes it difficult to identify, assess, and penalize actions that could be characterized as ecocide. This highlights the need for collaborative efforts by international institutions to establish a standard definition.

Keywords

Ecocide, International Criminal Court, Rome Statute.

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