GLOBAL HUMAN
RIGHTS DEFENCE

Corporate Responsibility and Accountability: Environmental Crimes and Human Rights Atrocities

Chapter 1: Environmental Crimes

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Abbreviations	Full Term
CO_2	Carbon Dioxide
CSOs	Civil Society Organizations
CSR	Corporate Social Responsibility
CSRD	Corporate Sustainability Reporting Directive
CTT	Criminal Turn Theory
ECHR	European Court of Human Rights
EU	European Union
FDI	Foreign Direct Investment
FPIC	Free, Prior and Informed Consent
ICC	International Criminal Court
ICJ	International Court of Justice
ICL	International Criminal Law
IFIs	International Financial Institutions
ILO	International Labour Organization
IPCC	Intergovernmental Panel on Climate Change
IPE	International Political Economy
MNCs	Multinational Corporations
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
SDGs	Sustainable Development Goals
TNCs	Transnational Corporations
UNDP	United Nations Development Programme
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNEP	United Nations Environment Programme
UNGPs	United Nations Guiding Principles on Business and Human Rights

INTRODUCTION

In the 21st century, environmental degradation has become one of the most pressing challenges facing humanity, with multinational corporations frequently positioned at the center of this crisis. Activities such as large-scale deforestation, oil and chemical spills, unsustainable mining, industrial pollution and greenhouse gas emissions have caused widespread and often irreversible damage to ecosystems. Beyond environmental harm, these practices profoundly affect human communities, compromising health, food security, water access and the cultural integrity of populations particularly those in the Global South and indigenous territories. Despite the extensive and measurable harm, corporate accountability remains limited, with legal and regulatory frameworks often failing to deter destructive practices. Financial penalties are frequently treated as operational costs, while criminal liability for corporate environmental harm is rare, leaving victims with limited recourse.

Historically, corporate environmental accountability has been shaped by both domestic and international law, with significant gaps remaining while countries have established environmental protection statutes, enforcement is inconsistent and often influenced by economic interests. Internationally, efforts to regulate corporate conduct through legal instruments and regional measures have sought to impose standards of responsibility. Additionally, there is growing momentum to recognize ecocide the destruction of ecosystems as an international crime under the Rome Statute, which would allow for criminal prosecution of corporate entities and state actors responsible for large-scale environmental damage.

Corporate environmental crimes are not purely legal or technical issues; they are deeply intertwined with human rights, social justice and equity as vulnerable populations, particularly women, children, indigenous peoples and communities in resource-rich but economically marginalised regions, disproportionately bear the costs of environmental destruction. These harms range from displacement due to land degradation, contamination of water supplies and exposure to toxic substances, to the loss of traditional livelihoods and cultural heritage. The ethical imperative to protect these populations necessitates a holistic approach, integrating environmental stewardship with human rights protections, enforcing meaningful corporate due diligence and ensuring remedies that are both restorative and preventative. Many corporations pursue profit maximization with insufficient regard for ecological limits, often exploiting regulatory loopholes or the uneven enforcement of laws across jurisdictions. This dynamic underscores the need for systemic reforms, including stronger legal mechanisms, enhanced civil society oversight and greater corporate transparency and responsibility.

This report seeks to examine the multi-dimensional nature of corporate environmental crimes, considering legal, ethical, economic and social perspectives. By highlighting case studies, emerging international norms and potential pathways for reform, it emphasises the urgent need for transformative measures that hold corporations accountable while protecting both ecosystems and the human communities that depend upon them. Ultimately, effective corporate accountability is not just a matter of legal compliance; it is a moral and societal imperative to ensure environmental sustainability, human rights protection and intergenerational justice.

1.1. Environmental crimes and corporations

Multinational corporations are behind some of the most devastating environmental crimes of our time. From catastrophic oil spills and rampant deforestation to the dumping of toxic waste, their actions have left ecosystems permanently scarred and communities struggling to survive. Yet, despite the scale of this destruction, corporate accountability remains difficult to address. Too often, these crimes are met only with regulatory fines or civil penalties, while criminal prosecutions are almost unheard of.

This justice gap is partly rooted in international law. The Rome Statute of the International Criminal Court (ICC) does not currently recognise large-scale environmental destruction as a crime under its jurisdiction. While experts and activists have pushed for the recognition of "ecocide" as a new international crime, corporations themselves remain effectively shielded from prosecution.

1.1.1 The cost of corporate damage

This represents a critical gap. Most existing domestic and international laws focus on civil remedies, such as fines or compensation, rather than criminal prosecution. As a result, many corporations absorb these penalties as routine operating costs, rather than seeing them as meaningful deterrents. However, their responsibilities are massive, as it has been estimated that the world's largest corporations are responsible for some $28 trillion in climate damage, a figure nearly equal to the entire U.S. economy in 2024. The research, conducted by Dartmouth College, traced greenhouse gas emissions from 111 companies, finding that just 10 fossil fuel giants (including Saudi Aramco, Gazprom, Chevron, ExxonMobil, BP, and Shell) account for more than half of the total damage (Callahan & Mankin, 2025).

By using advanced climate modelling, scientists were able to directly link emissions from these companies to rising global temperatures and the intensification of extreme heat. The study highlights how individual corporations can be tied to billions of dollars in annual economic losses through heat-related damage alone, without even factoring in floods, droughts and other climate disasters.

The findings dismantle claims of "plausible deniability" long used by polluters, showing that responsibility for climate harms can now be scientifically traced to specific corporate actors.

This evidence strengthens calls for corporate accountability in the climate crisis, and reinforces a simple truth: the actions of a few powerful corporations are driving immense and measurable harm to people, economies, and ecosystems worldwide.

1.2. Who is a corporation

A corporation is a legal entity distinct from its members, recognised under law as a "legal person" capable of holding rights and responsibilities in its own name. (Muchlinski, 2014**)**

Unlike partnerships, where owners are personally liable, a corporation can independently enter into contracts, borrow and lend money, acquire and sell property, hire employees, sue and be sued and pay taxes. This legal separation, formalised through registration or incorporation, allows corporations to raise and manage capital, organise complex operations and operate across multiple jurisdictions, making them some of the most powerful actors in the modern economy.

The concept of the corporation evolved from chartered trading companies in the 16th and 17th centuries, which combined commercial enterprise with governmental authority, granting founders trade monopolies and administrative powers over foreign territories. These early corporations were hybrid organisations, blending private and public law, where private enterprises deliver essential services alongside profit-making objectives (Muchlinski, 2014). Over time, the legal notion of "person" expanded beyond natural individuals to include corporations, associations, joint-stock companies, NGOs and governments, recognising their capacity to act as independent legal actors in both domestic and international contexts. The International Court of Justice has affirmed the separate legal personality of corporations in cases such as *Barcelona Traction* (1970) and *Ahmadou Sadio Diallo* (2007), underlining the legal recognition of corporate personhood at the global level.

It can be said that modern corporations are defined by five key elements: legal personality, limited liability, transferable shares, centralised management and investor ownership (Kraakman and others, 2009). While these features enable efficiency, economic growth, and innovation, they also create significant challenges for accountability. Limited liability protects investors from personal ruin, but it can allow parent companies to evade responsibility for the harmful acts of subsidiaries, externalising social and environmental costs onto communities and ecosystems. Confusing the legal entity with the underlying economic enterprise can exacerbate this, leaving victims unable to claim redress for injuries caused by multinational corporations or complex corporate groups.

Even more, corporations today wield immense economic, social, political, and environmental influence. They dominate energy, manufacturing, service industries and essential goods worldwide, affecting the lives of billions. While they can drive innovation and growth, unchecked corporate activity contributes to poverty, inequality, environmental degradation, and climate change.

The modern corporation, while originally created for social and commercial purposes, has largely become profit-driven, concentrating wealth and power in the hands of a small group of investors or shareholders. Its legal structure enables efficiency and expansion, but also facilitates unchecked social and environmental harm. Addressing these risks requires a comprehensive approach: enforcing robust due diligence obligations and establishing corporate criminal liability.

1.2.1. Corporate crimes

The concept of corporation, discussed earlier in this chapter, provides the basis for understanding corporate crimes and the criminal liability of corporate entities. Corporate crime encompasses illegal acts committed by corporations or their officials with the primary objective of advancing the economic interests of the organisation. Unlike civil wrongs, where a corporate entity can be held liable relatively straightforwardly through remedies such as compensation, injunctions or specific performance, establishing criminal liability is far more complex. This complexity arises from the peculiar structure of corporations, where ownership is dispersed among shareholders while decision-making authority is concentrated in a few top executives, often referred to as the "directing mind and will" of the organisation (Sumanth, 2025).

These crimes often occur within the framework of ordinary business activities, making them difficult to detect. They are characterised by low visibility, anonymous structures of action, and indirect interactions with victims. Unlike conventional crimes that involve personal contact, the victims of corporate crime are often diffuse, including other businesses, regulatory agencies, communities and society at large. The risks posed by corporate misconduct extend beyond economic loss to include significant social and environmental harm, public health hazards and erosion of trust in institutional frameworks. Corporate crime can take many forms, from fraudulent financial practices and regulatory violations to large-scale environmental harm, including pollution, degradation of natural resources and failure to comply with statutory environmental obligations.

Environmental crimes committed by corporate entities constitute a critical subset of corporate wrongdoing. These offences may arise due to ignorance of environmental responsibilities, negligent management, inadequate training or resources or deliberate attempts to bypass environmental laws for economic gain (UK Parliament, 2005). Such crimes often result in severe and widespread damage to ecosystems and communities, reflecting the disproportionate power and influence corporations hold within modern societies.

Corporate crime must be framed as more than just a legal or economic issue, as it primarily reflects a profound imbalance of power with far-reaching consequences for society, the environment and everyday life, especially for the most vulnerable and for indigenous communities. Reading the phenomenon merely as an offence to be punished overlooks the systemic dimensions of the issue. Instead, it must be recognised as a complex matter that displays structural inequities, environmental exploitation and social vulnerabilities, demanding a perspective that considers the full scope of its impact.

2. Corporate sustainability due diligence as an approach. The European Union Framework

Corporate sustainability due diligence is an emerging legal and governance framework that requires companies to proactively identify, prevent, mitigate and account for adverse impacts of their operations on people and the environment. It builds on internationally recognised standards such as the UN Guiding Principles on Business and Human Rights (UNGPs) and the OECD Guidelines for Multinational Enterprises, which emphasise corporate responsibility for human rights and environmental protection throughout global supply chains. Under the European Union's proposed Corporate Sustainability Due Diligence Directive (CSDDD), large companies will be legally required to embed due diligence into their policies and risk management systems, covering their own activities as well as those of subsidiaries and suppliers. They will be required to identify and, where necessary, prevent, end, or mitigate adverse impacts of their activities on human rights, such as child labour and exploitation of workers, and on the environment, for example, pollution and biodiversity loss (European Commission, 2022). These obligations are designed not only to strengthen protection for affected workers and communities but also to increase corporate accountability for environmental damage and climate change. For businesses, the new rules aim to create legal certainty and a level playing field across markets, reducing competitive disadvantages for firms already engaging in responsible practices. For people, they want to provide greater transparency and assurance that companies are operating in line with sustainability principles, thus reinforcing trust, ethical investment and long-term resilience.

2.1 The Corporate Sustainability Due Diligence Directive

In this globalised economy, companies, particularly transnational and multinational corporations, operate through highly complex supply chains that often extend into developing countries. While these markets offer cost advantages, they are also particularly vulnerable to human rights abuses and environmental harm. This complexity has made it extremely challenging for enterprises to identify, assess and manage risks throughout their entire value chain. Voluntary corporate social responsibility standards and isolated national rules are not sufficient anymore: many companies fail to implement them, victims remain unprotected and adverse impacts continue unchecked. Against this backdrop, human rights and environmental due diligence have emerged as a critical tool for preventing harm, to foster accountability, and to embed responsible practices into corporate decision-making.

In this framework, the Corporate Sustainability Due Diligence Directive (CSDDD, Directive EU 2024/1760), known as the Supply Chain Act, represents a significant evolution from prior fragmented measures. Unlike voluntary standards, which lacked enforceability, the CSDDD legally binds companies to conduct comprehensive due diligence on their operations, subsidiaries and value chains. It establishes clear obligations to identify actual or potential risks, implement preventive and corrective measures, verify compliance, and report publicly on both policies and results. By imposing these duties, the Directive moves due diligence from a voluntary, reputational exercise to a mandatory legal requirement with concrete consequences for non-compliance (Albuquerque, 2024).

The Directive applies to EU companies with over 1,000 employees and global net turnover above €450 million, certain franchise operators, and non-EU companies generating turnover above €450 million in the EU. Companies are required to develop robust risk management frameworks, including policies, codes of conduct and sustainability reporting; map their entire value chain to assess potential negative impacts; adopt preventive and corrective measures, such as contractual clauses and operational investments; establish transparent channels for complaints and whistleblowing; and engage stakeholders (i.e. employees, unions, communities and civil society) in meaningful consultations. The Directive further requires monitoring and evaluation of these measures to ensure their effectiveness (Osservatorio Compliance 231, 2024).

The presence of sanctions is a key innovation of the CSDDD. Member States must establish effective, proportionate and dissuasive rules, including administrative fines of up to 5% of annual global turnover, public naming of non-compliant companies, civil liability for damages, suspension of activities and restrictions or prohibitions on exports. This shift aims to ensure that due diligence is not merely symbolic but a legally enforceable duty, unlike the largely voluntary or fragmented approaches previously in place.

Importantly, the CSDDD is designed to influence the entire supply chain, not only the large companies directly subject to its provisions. Smaller suppliers and subcontractors must also meet higher standards, reducing systemic risks of environmental and human rights violations and incentivising responsible business practices. This not only strengthens compliance but also creates competitive advantages for SMEs that can demonstrate higher sustainability standards.

The CSDDD could be a transformative legal instrument that embeds due diligence at the core of corporate governance and strategy. By making due diligence a central, legally binding obligation, the Directive aims to achieve greater transparency, protect human rights and the environment and provide companies with legal certainty while fostering a level playing field across the EU.

2.1.1. Challenges ahead

However, despite its potential, the Directive faces several significant challenges.

The CSDDD requires EU member states to integrate the framework into national legislation over the next two years. While countries like Germany and France already have relevant laws, harmonising them with CSDDD standards is complex. Enforcement is further complicated by the directive's extraterritorial scope, as multinational companies must comply not only domestically but also throughout global supply chains. Aligning international standards with local regulations and assessing compliance across jurisdictions presents both legal and practical hurdles. (Posner, 2024).

Furthermore, many companies may respond to the directive by strengthening internal sustainability procedures without achieving real improvements. This raises the risk of greenwashing, companies projecting an image of sustainability while failing to make substantive environmental or social progress. Unlike the Corporate Sustainability Reporting Directive (CSRD), the CSDDD does not provide uniform performance metrics, making it difficult for governments to differentiate genuine improvements from superficial compliance claims.

Effective enforcement, however, depends on the availability of accurate, detailed data on corporate practices, including labour conditions, health and safety standards and adherence to prohibitions on child and forced labour. Collecting and analysing this information across global supply chains is a daunting task, but it is essential to hold companies accountable and prevent abuse of the directive.

Finally, the success of the CSDDD relies on coordinated regulatory frameworks, collaboration among governments, companies, and civil society and the establishment of robust public and private enforcement mechanisms. Without consistent enforcement, the directive risks being undermined by companies or trade groups seeking to dilute compliance obligations. (de Oliveira Serra, 2025).

3. Corporate Liability and International Law

As said, despite their scale, such crimes rarely lead to criminal prosecution, as international frameworks either lack enforcement mechanisms or impose only civil and administrative penalties. A key limitation of the ICC's Rome Statute is that it does not currently recognise environmental destruction as an international crime. Further sections will examine the importance of introducing ecocide as a crime, in a bid not only to protect the environment, but to ensure accountability for corporations too, given their contribution to this issue.

3.1. Limitations under the Rome Statute

The ICC remains structurally unfit to address corporate accountability for environmental crimes. The Rome Statute, which defines the ICC's jurisdiction, currently excludes corporations and other legal entities from prosecution. This legal framework creates a significant accountability gap, given that corporate activities are among the leading causes of large-scale environmental harm. While corporate directors may be prosecuted individually, proving direct intent or knowledge under the Statute's high burden of proof has been nearly impossible. The corporate veil doctrine further shields decision-makers through layers of subsidiaries and shell companies, hindering responsibility (Asraf, 2025).

The absence of corporate criminal liability means that even severe acts of environmental destruction can only be prosecuted under the ICC if they are committed during an armed conflict. Consequently, corporations often treat environmental fines imposed under domestic administrative or civil laws as routine business expenses, absorbed into their annual budgets rather than prompting meaningful behavioural change (Hellmann, 2014). As scholars such as Ronald C. Slye and Jacqueline Hellmann have argued, corporations wield powers comparable to states and should thus be subject to similar duties under international law, particularly when their conduct undermines global ecological stability. National jurisdictions alone cannot adequately address transboundary environmental harms, which require coordinated, transnational accountability mechanisms (Hellmann, 2014 and Slye, 2008).

Many states still rely on administrative sanctions to regulate environmentally harmful behaviour, regarding criminal law as a last resort. However, administrative and civil penalties fail to achieve sufficient deterrence against economically powerful corporate actors (European Commission, 2007). Criminal law, by contrast, carries an exclusive symbolic and deterrent effect, attaching social blame and mobilising state resources for impartial investigation and prosecution. Unlike administrative fines, which corporations can internalise as business costs, criminal convictions stigmatise corporate conduct and affirm society's moral condemnation of environmental destruction (Pereira, 2015).

The historical development of the ICC says that the exclusion of legal persons from its jurisdiction was not a principled rejection but a pragmatic compromise. During the Rome Conference, several delegations advocated for corporate criminal liability, proposing provisions to hold legal persons accountable where crimes were committed by or on behalf of a corporation. Yet concerns about procedural fairness, divergent domestic legal systems, and insufficient time for debate led to the proposal's withdrawal to avoid jeopardising the Statute's adoption (Clapham, 2001). Delegates nonetheless recognised that omitting corporate liability would create future impunity gaps, a prediction that has materialised today as corporations continue to evade accountability for environmental destruction (Stoitchkova, 2010).

The ICC's current sanctioning framework further limits its effectiveness against corporate offenders. As corporations cannot be imprisoned, the only feasible sanctions (i.e. financial penalties) risk being too low to deter misconduct or too high, thereby harming innocent employees. Moreover, fines alone do not foster structural reform or genuine environmental remediation. Without mechanisms to restore ecological damage or enforce behavioural change, punishment risks becoming a transactional cost rather than an effective tool.

Modern corporate structures, characterised by decentralised decision-making and complex hierarchies, also challenge traditional criminal law principles such as *mens rea* and *actus reus*. Responsibility is often dispersed across departments and executives, making it difficult to attribute guilt to a single individual. This collective nature of corporate decision-making underscores the need for a legal framework that recognises corporate "culture" and systemic negligence as forms of culpability (Schreurs, 2021). Limiting prosecution to individual officers ignores the organisational dynamics that enable environmental crimes.

Expanding the Rome Statute to include corporate criminal liability, particularly in the context of emerging discussions around "ecocide" as a fifth core international crime, would close a crucial gap in international justice. It would also promote harmonisation of domestic laws, strengthen deterrence and reaffirm the international community's commitment to protecting the environment as a common good.

3.1.1. Proposals for amendments

Several scholars have proposed expanding the jurisdiction of the ICC to include legal entities, such as corporations. Scheffer (2016) suggests amending Article 25(1) of the Rome Statute to include "juridical persons" and Article 127 to extend jurisdiction over corporate entities. He acknowledges, however, that such amendments would require complex revisions to interconnected provisions, including those concerning evidence production, due process rights, and sanctions, and ratification by a two-thirds majority of State Parties would be a significant obstacle. As an alternative, he proposes an "opt-in" mechanism through an additional protocol, recognising that this would also require collective negotiation and approval by a two-thirds majority, which may be difficult if some States oppose corporate criminal liability.

Substantively, including corporations under ICC jurisdiction would require clear guidance on *mens rea*. While Article 30 of the Rome Statute currently recognises knowledge and intent, scholars suggest considering negligence as well, since environmental crimes such as ecocide often result from profit-driven corporate practices rather than deliberate intent to cause harm. Recognising negligence would allow the law to encompass typical corporate conduct without lowering the criminal threshold excessively, as would occur under strict liability.

Different models of corporate liability may guide practical implementation at the ICC:

- Identification Theory ("directing mind"): assigns liability directly to the corporation based on the actions and mental state of its senior officers, reflecting organisational structures and the mens rea required for core crimes (de Maglie, 2005). Its limitation lies in applying only to high-level executives, potentially leaving decisions delegated to middle management unpunished.
- Aggregation model: combines the acts and knowledge of multiple individuals within the corporation to establish collective liability, capturing organisational failures and omissions often underlying environmental crimes. This approach is most effective when integrated with organisational theories to avoid artificially constructing corporate culpability.

Additionally, to strengthen corporate accountability, the establishment of an International Environmental Crimes Tribunal under the United Nations has been proposed. Such a tribunal could:

- Investigate and prosecute international environmental crimes;
- Impose penalties including corporate dissolution, asset seizure and administrative sanctions;
- Provide compensation mechanisms for affected communities (Nollkaemper, 2020).

A combination of Rome Statute amendments, ICC jurisdictional expansion and the integration of corporate liability models would enhance accountability for environmental crimes and reduce the current impunity enjoyed by corporations.

4. Ecocide and International Criminal Law

The concept of ecocide reflects an evolving recognition that the destruction of the natural environment can be as morally grave and socially destructive as the gravest crimes already recognised under international criminal law. Its origins lie in the Vietnam War era, when the deliberate use of herbicides like Agent Orange laid bare the possibility of nature itself becoming a casualty of conflict. Arthur Galston coined the term in 1970 and Olof Palme, then Prime Minister of Sweden explicitly condemned "ecocide" at the 1972 UN Stockholm Conference on the Human Environment. Despite early momentum, proposals to codify ecocide as an international crime did not survive into the final negotiations of the Rome Statute in 1998. States resisted restrictions on military conduct and economic development and the political climate of the Cold War prioritised sovereignty as well as strategic autonomy over ecological protection.

The exclusion of ecocide left a profound legal vacuum as large-scale environmental destruction continues to occur across the globe, however existing international law largely treats it as a regulatory or civil matter. The International Court of Justice (ICJ) and the Permanent Court of Arbitration occasionally address transboundary pollution disputes, but these mechanisms lack binding enforcement over individuals. Environmental treaties such as the Paris Agreement establish frameworks for state responsibility, but they are premised on voluntary compliance. Victims of ecological harm especially indigenous peoples, rural communities and those in the Global South are thus left without effective remedies, while corporations and governments benefit from weak accountability.

In the past decade, momentum for recognising ecocide as the "fifth international crime" has accelerated. The Independent Expert Panel for the Legal Definition of Ecocide, convened in 2021, offered a precise draft definition:

"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."

This definition deliberately mirrors existing formulations in humanitarian law while extending liability to peacetime contexts. It seeks to balance clarity with flexibility, ensuring that the crime captures egregious cases without criminalising ordinary economic activity. Several states including Belgium, Vanuatu and the Maldives have since endorsed efforts to introduce ecocide into the Rome Statute, while the European Parliament and Council of Europe have also debated its recognition.

4.1 Legal Challenges in Defining Ecocide

Three unresolved debates dominate the discussion:

(i) The mental element (mens rea).

Should liability require deliberate intent to cause ecological harm, or would reckless disregard suffice? Insisting on intent risks narrowing the scope so much that only acts like Agent Orange qualify. By contrast, allowing recklessness would bring in corporate leaders and state officials who pursue profit or policy in the face of clear scientific warnings. For example, in the Niger Delta, oil companies have operated for decades despite consistent evidence of spills, contamination, and long-term devastation. While firms deny "intending" ecological destruction, their reckless disregard of consequences demonstrates why intent-based thresholds would leave such conduct unpunished.

(ii) Threshold of harm.

International law often frames ecological harm as "widespread, long-term, and severe." However each term is highly contestable because how many hectares of forest must be destroyed before deforestation becomes "widespread"? How many decades must contamination persist before it is "long-term"? The Bhopal Gas Disaster (1984) illustrates this difficulty: thousands died within days, and soil and groundwater contamination persists four decades later. The disaster was a singular event rather than a slow-onset phenomenon. Would such an incident meet the Rome Statute's "long-term" requirement? This ambiguity shows how definitional thresholds risk excluding catastrophic harm from the ecocide category.

(iii) Victimhood and rights of nature.

Traditional international law treats humans as the primary subjects of harm. Ecocide forces a radical question: can ecosystems themselves be victims? Courts in Latin America have already moved in this direction. The Colombian Constitutional Court recognised the Atrato River as a legal subject with rights to protection and restoration. Similarly, Ecuador's 2008 Constitution enshrined the "rights of nature," allowing communities to bring legal claims on behalf of rivers and forests. The Amazon rainforest, often described as the "lungs of the planet," exemplifies why recognising nature as a victim is essential. Large-scale deforestation not only harms indigenous peoples but also undermines global climate stability. If human-centred frameworks remain the sole focus, the ecological dimensions of such destruction risk being sidelined.

4.2 Case Studies in Context

The Niger Delta (Nigeria)

Decades of oil extraction have resulted in thousands of oil spills, leaving farmlands barren, water undrinkable and fishing grounds destroyed. Despite domestic litigation and limited corporate compensation, systemic accountability remains elusive. This case exemplifies reckless disregard rather than direct intent, highlighting why ecocide must incorporate recklessness within its mens rea standard. It also shows the difficulty of establishing causation, as multiple actors (state-owned companies, multinationals, regulators) contributed to cumulative harm.

Bhopal Gas Disaster (India, 1984)

When toxic gas leaked from the Union Carbide plant, over 15,000 people died and half a million were injured. Soil and groundwater remain contaminated today. Criminal accountability has been minimal: some executives were tried in absentia, while settlements left survivors without adequate compensation. The case underscores why a narrow "widespread, long-term and severe" threshold is problematic. Bhopal demonstrates catastrophic harm of both immediate and enduring nature precisely the type of tragedy ecocide should capture.

Amazon Rainforest (Brazil).

Accelerated deforestation for cattle ranching, mining and agribusiness has destroyed millions of hectares of irreplaceable biodiversity. This has displaced indigenous communities, violated treaty obligations and contributed significantly to global climate change. Unlike Bhopal, this case demonstrates slow-onset harm accumulated destruction rather than a singular catastrophic event. It challenges international law to adapt to cumulative harms and raises the question of whether future generations and the planet itself should be treated as victims of ecocide.

Chernobyl Disaster (Ukraine, 1986).

The nuclear meltdown devastated ecosystems across Eastern Europe, contaminating soil, water and air for generations. While framed as an "accident," evidence suggests regulatory negligence and disregard for safety warnings. It illustrates the difficulty of attributing criminal liability in highly technical, state-controlled industries but shows the global scale of ecological harm that reckless governance can unleash.

4.3 Towards Recognition of Ecocide

Recognising ecocide as the fifth international crime would serve three critical functions:

1. *Deterrence*: By criminalising reckless disregard for ecological destruction, decision-makers in governments and corporations would be incentivised to adopt precautionary approaches.

2. *Accountability*: Victims of environmental disasters could seek justice against powerful actors who currently evade liability.

3. *Normative transformation*: Like genocide or crimes against humanity, ecocide's recognition would reshape moral and political expectations globally, signalling that large-scale environmental destruction is intolerable.

However, challenges remain formidable. Causation is often diffuse; political resistance is strong among resource-dependent states; and the ICC's limited jurisdiction risks selective enforcement. Critics also caution that focusing solely on individual liability could obscure systemic drivers such as global trade, consumer demand and capitalist growth models. Nonetheless, ecocide represents a paradigm shift as it reframes environmental destruction not merely as a policy failure but as conduct so grave it threatens collective survival. In this sense, criminalising ecocide at the international level would finally bring legal recognition in line with the ecological reality of the Anthropocene.

5. The Human–Environment Nexus

Environmental destruction is never isolated; it reverberates through societies, economies and human bodies. The human–environment nexus underscores that environmental crimes are also human rights violations. Corporate activities such as industrial pollution, resource extraction and deforestation inflict harm not only on ecosystems but on communities that depend on these ecosystems for survival, cultural identity and economic livelihoods.

Air Pollution

Air pollution from industrial and manufacturing processes, fossil fuel combustion, and mining operations is a major driver of public health crises. Fine particulate matter (PM2.5) penetrates deep into the lungs, causing respiratory illnesses, cardiovascular disease and cancers. Globally, air pollution is responsible for an estimated 7 million premature deaths each year, disproportionately affecting urban poor populations (WHO, 2023). In India, for example, children in highly polluted cities exhibit higher rates of asthma and developmental impairments, highlighting the intersection of environmental degradation and social inequality.

Corporate accountability is critical, as multinational industries often externalise pollution costs onto local populations while profiting from production and energy consumption.

Water Pollution

Water pollution is one of the most direct ways environmental harm impacts human communities. Industrial effluents, agricultural runoff, and oil spills contaminate rivers, lakes and aquifers, causing reproductive health problems, miscarriages and chronic illnesses. In Bangladesh, pesticide contamination in groundwater has been linked to rising incidences of cancer and kidney disease in rural communities. The Niger Delta in Nigeria provides a stark example: decades of oil spills by multinational corporations have destroyed fisheries, poisoned drinking water and displaced communities. UNEP's assessment of Ogoniland reported benzene levels in drinking water up to 900 times the WHO safety limit, creating long-term health and socio-economic crises (UNEP, 2011; UNEP, 2022). These cases demonstrate that water pollution is both an environmental and a human rights issue.

Deforestation

Corporate-driven deforestation, whether for logging, mining or agriculture, destroys ecosystems and undermines the rights and livelihoods of local communities. The Amazon rainforest has witnessed widespread displacement of Indigenous Peoples due to agribusiness expansion, illegal logging and infrastructure development. These activities threaten food security, cultural survival and access to traditional medicines. In Southeast Asia, palm oil expansion has not only caused forest fires but has also led to forced evictions and violence against Indigenous and local communities (Environmental Justice Atlas, 2023). This illustrates that deforestation is simultaneously an ecological and human rights crisis.

Climate Change

Corporate-driven greenhouse gas emissions intensify climate change, producing far-reaching human consequences. Rising temperatures, extreme weather events and changing rainfall patterns exacerbate food and water insecurity, heighten risks of conflict over scarce resources and create climate refugees. The UNHCR estimates that over 30 million people were displaced by climate-related disasters in 2023 (UNHCR, 2024). Vulnerable communities in the Global South, who contribute minimally to global emissions, are most affected, exemplifying systemic inequities known as climate injustice. Climate change thus represents a compounding factor in the human–environment nexus environmental degradation amplifies social inequality and undermines fundamental human rights.

The Niger Delta is one of the most illustrative cases of the human–environment nexus. For over six decades, multinational oil corporations such as Shell and Eni have caused extensive environmental harm. Oil spills, gas flaring and pipeline leaks have contaminated rivers and farmland, decimated fisheries and led to significant health impacts, including skin disorders, respiratory illnesses and reproductive complications (UNEP, 2011; UNEP, 2022). Communities have experienced displacement, loss of livelihoods and cultural disruption. Litigation and advocacy efforts have brought some compensation, but accountability remains limited, highlighting the gaps in both national and international corporate liability frameworks. This region demonstrates that environmental degradation and human rights violations are inseparable.

Ecuador: Chevron's oil operations left toxic waste pits across indigenous territories, leading to one of the largest transnational environmental litigation battles.

India: The Bhopal gas disaster (1984) continues to affect generations with chronic illnesses, birth defects and socio-economic disruption.

Indonesia: Peatland fires caused by palm oil expansion release massive emissions and destroy local livelihoods, while air pollution affects millions in surrounding regions (Environmental Justice Atlas, 2023).

Climate Justice and Corporate Responsibility

The human–environment nexus highlights the imperative for corporate accountability. Global North corporations often extract resources in the Global South while externalising environmental and health costs onto vulnerable populations. Integrating human rights considerations into environmental law and corporate governance is essential. Legal instruments such as the Aarhus Convention (1998) and the Escazú Agreement (2018) provide frameworks for public participation, access to information and justice in environmental matters, reinforcing the interconnectedness of human and environmental rights.

Recognising environmental crimes as human rights violations strengthens the argument for binding corporate due diligence, criminal liability and recognition of ecocide. Without integrating ecological and human rights dimensions, accountability frameworks risk reducing environmental destruction to technical regulatory issues, ignoring the profound human suffering it causes. The human–environment nexus demonstrates that environmental degradation is simultaneously a violation of human rights. Air and water pollution, deforestation and climate change show the indivisibility of ecological integrity and human wellbeing. Case studies such as the Niger Delta, Bhopal and palm oil-affected regions illustrate that corporate-driven environmental harm often produces long-lasting social, health and cultural impacts. Addressing these harms requires a multi-layered accountability framework that integrates ecological protection with human rights enforcement, ensuring that corporations are held responsible for both environmental destruction and its human consequences.

6. Towards Integrated Accountability: Merging Human Rights and Environmental Justice

The global rise in ecological degradation, pollution and climate-induced crises has revealed profound gaps in existing accountability systems. Environmental protection and human rights were once viewed as separate domains, but the convergence of ecological collapse and social inequality now demands a unified framework. Integrated accountability recognises that protecting the planet and safeguarding human dignity are not parallel endeavours but mutually reinforcing obligations.

6.1 The Evolution of Environmental Accountability

International law has historically addressed environmental harm through regulatory and civil frameworks, often relying on state responsibility rather than direct corporate liability. While conventions such as the Stockholm Declaration (1972) and the Rio Declaration (1992) advanced global awareness, they lacked enforceable mechanisms to ensure justice for affected communities. This regulatory gap has allowed corporations to externalise environmental costs, particularly in regions with weak governance or limited enforcement capacity. Recent developments signal a transformation. The UN General Assembly's 2022 resolution formally recognised access to a clean, healthy and sustainable environment as a universal human right. This recognition has shifted environmental protection from a policy aspiration to a binding human rights obligation, compelling states and corporations alike to align their actions with human rights principles. The recognition also provides victims of pollution, displacement and ecological loss a stronger normative basis to claim justice in national and international courts.

6.2 Corporate Responsibility and Due Diligence

Corporate actors are among the primary drivers of environmental degradation through extractive industries, manufacturing and large-scale agriculture. Addressing their accountability requires moving beyond voluntary commitments toward legally binding obligations. The UN Guiding Principles on Business and Human Rights (2011) established the responsibility of corporations to respect human rights and to prevent or mitigate harm within their operations and value chains. However, these principles remain soft law, relying heavily on state enforcement and corporate goodwill. Emerging legislative frameworks seek to close this accountability gap. The EU Corporate Sustainability Due Diligence Directive (CSDDD), adopted in 2024, requires companies operating within the EU to identify, prevent and remedy adverse human rights and environmental impacts throughout their global supply chains. Similar models are being explored in Africa and Latin America, reflecting a growing consensus that corporate environmental crimes are inseparable from social and human rights violations. Effective implementation will depend on robust monitoring, access to remedy and international cooperation to hold multinational enterprises accountable regardless of where the harm occurs.

6.3 The Role of International and Regional Mechanisms

Global and regional bodies play a pivotal role in shaping and enforcing integrated accountability frameworks. The International Criminal Court (ICC) remains a potential forum for prosecuting egregious acts of environmental destruction under the evolving concept of ecocide, while regional instruments such as the African Charter on Human and Peoples' Rights and the Escazú Agreement (2018) demonstrate the increasing recognition of environmental rights at continental and sub-regional levels. The Aarhus Convention (1998) in

Europe also provides a model for ensuring public access to environmental information, participation in decision-making and access to justice a triad of principles now recognised as essential for environmental democracy. Expanding such mechanisms globally could strengthen both environmental governance and human rights protection, ensuring that communities most affected by ecological harm can actively participate in seeking justice.

6.4 Integrating Indigenous and Community-Based Perspectives

True accountability must also embrace indigenous worldviews and local knowledge systems, which regard the environment as a living entity rather than a commodity. Indigenous peoples across the world, from the Amazon to southern Africa, have long championed relational approaches that link land, culture and identity. Recognising these perspectives is critical for re-envisioning justice that goes beyond anthropocentric law. Recent jurisprudence has begun to reflect this shift. In Colombia, the Constitutional Court recognised the Atrato River as a legal subject with enforceable rights, acknowledging the interconnectedness of ecosystems and human wellbeing. Similarly, New Zealand's Te Awa Tupua Act (2017) granted legal personhood to the Whanganui River, embedding Māori cosmology into statutory law. These cases illustrate that environmental accountability can be reimagined to reflect not only the protection of people but also the intrinsic rights of nature itself.

6.5 Pathways for Implementation

Achieving integrated accountability requires a multilevel approach combining domestic law reform, international cooperation, and community empowerment. Key pathways include:

1. Codifying Ecocide and Strengthening Enforcement : Recognising ecocide as an international crime under the Rome Statute would provide a deterrent framework against large-scale ecological destruction and elevate environmental protection to the level of other core international crimes.

2. Mandatory Corporate Due Diligence : Binding legislation should require companies to disclose environmental and social risks, adopt preventive measures and compensate affected communities for harm caused.

3. Access to Justice for Affected Communities : Legal aid, transnational litigation and collective redress mechanisms must be strengthened to allow victims to pursue justice across borders.

4. Public Participation and Transparency : Citizen engagement in environmental governance ensures that accountability is not solely a top-down process but an inclusive practice rooted in community oversight.

5. Integration of Human Rights Impact Assessments : Environmental and human rights assessments should be merged into unified frameworks that consider both ecological and social impacts from project inception to completion.

CONCLUSION

Corporate responsibility for environmental crimes must evolve beyond voluntary compliance toward a binding framework that integrates ecological protection with human rights. Environmental harm is not a technical or regulatory issue; it is a moral and legal failure that endangers both the planet and its people. Genuine accountability requires recognising that environmental crimes are also human rights violations and that justice for one cannot exist without justice for the other. The first step is binding due diligence. Corporations should be legally obliged to prevent, mitigate and remedy environmental harm throughout their operations and value chains. The shift from voluntary standards to statutory duties, as seen in the EU Corporate Sustainability Due Diligence Directive, reflects growing recognition that self-regulation is insufficient. Due diligence must have legal weightbreaches that should attract criminal, not merely administrative, penalties. This ensures that environmental destruction cannot be dismissed as a cost of doing business. Strengthening corporate criminal liability is essential to closing the impunity gap. Both corporations and their executives must be held responsible when their actions cause large-scale environmental damage. Criminalising such conduct would move accountability from reputational risk to legal obligation and act as a genuine deterrent. Similarly, recognising ecocide as an international crime under the Rome Statute would elevate environmental protection to the same level as genocide or crimes against humanity. Beyond symbolism, it would signal that mass environmental destruction is a grave offence against the shared interests of humankind.

Accountability should also be victim-centred and restorative, addressing both ecological and human harm. Communities in the Global South often bear the heaviest burdens of corporate pollution, extraction and climate disruption. Justice therefore requires not only prosecution but reparations and environmental restoration from clean-up operations and reforestation to the rehabilitation of livelihoods and ecosystems. Restorative measures reaffirm that accountability is not solely punitive but aimed at repair and regeneration. At the heart of this framework lies the human–environment nexus, recognising that environmental degradation directly undermines rights to health, food, water and dignity. Cases such as the Niger Delta oil spills demonstrate that ecological collapse and social injustice are inseparable. A future of genuine accountability must therefore integrate environmental protection into the broader human rights regime, ensuring that both are treated as mutually reinforcing pillars of justice.

Ultimately, achieving corporate accountability for environmental crimes demands a multi-layered system: binding due diligence obligations, enforceable criminal liability, recognition of ecocide and victim-centred remedies. Together, these measures can shift global governance from permissive exploitation to responsible stewardship. Protecting the environment must become synonymous with protecting humanity itself a shared legal, ethical and moral duty to ensure the survival and dignity of present and future generations.

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