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REFLECTIONS ON THE INTERNATIONAL CRIMINAL COURT'S JURISDICTION OVER ECOCIDE CRIMES

Annotatsiya. Ushbu maqola xalqaro jinoiy huquqda potentsial beshinchi jinoyat sifatida ekosid tushunchasini o'rganadi. Unda ekosidning ta'rifi va doirasi tahlil qilinib, keng ko'lamli ekologik buzilishlar global xavfsizlik va inson huquqlariga qanday tahdid solishi o'rganiladi. Maqolada ekosidni Rim statutiga kiritishdagi qiyinchiliklari, jumladan siyosiy qarshilik, dalillarni to'plash qiyinchiliklari va sud ekspertizasi masalalari muhokama qilinadi. Ushbu to'siqlarga qaramasdan, maqolada atrof-muhitga jiddiy zarar yetkazish holatlarini Xalqaro Jinoiy Sud orqali ko'rib chiqish global tinchlik va xavfsizlikni ta'minlash uchun zarur ekanligi, bu esa muvofiqlashtirilgan xalqaro harakatlar va umumiy manfaatlarga asoslangan milliy chegaralardan tashqari hamkorlikni talab qilishi ta'kidlanadi.

Kalit so'zlar: Ekosid, xalqaro jinoiy huquq, Rim statuti, ekologik jinoyatlar, ekologik xavfsizlik, Xalqaro Jinoiy Sud, global adolat

Abstract. This article examines the emerging concept of ecocide as a potential fifth crime under international criminal law. It analyzes the definition and scope of ecocide, exploring how widespread environmental destruction threatens global security and human rights. The paper discusses the challenges of incorporating ecocide into the Rome Statute, including political resistance, evidentiary difficulties, and judicial expertise concerns. Despite these obstacles, the article argues that addressing severe environmental damage through the International Criminal Court is essential for ensuring global peace and security, requiring coordinated international action and supranational cooperation based on common interests.

Keywords: Ecocide, international criminal law, Rome Statute, environmental crimes, ecological security, International Criminal Court, global justice

Аннотация. В данной статье рассматривается формирующаяся концепция экоцида как потенциального пятого преступления в международном уголовном праве. Анализируются определение и сфера применения экоцида, исследуется, как широкомасштабное разрушение окружающей среды угрожает глобальной безопасности и правам человека. В статье обсуждаются проблемы включения экоцида в Римский статут, включая политическое сопротивление, трудности сбора доказательств и вопросы судебной экспертизы. Несмотря на эти препятствия, в статье утверждается, что рассмотрение случаев серьезного ущерба окружающей среде через Международный уголовный суд необходимо для обеспечения глобального мира и безопасности, что требует скоординированных

международных действий и наднационального сотрудничества на основе общих интересов.

Ключевые слова: Экоцид, международное уголовное право, Римский статут, экологические преступления, экологическая безопасность, Международный уголовный суд, глобальная справедливость

Introduction

Crimes that affect or threaten the global community as a whole are subject to punishment under international criminal law. The universal principles held by all people are enshrined in international criminal law. With the rapid development of economic globalization and science and technology, new types of crimes, such as cyber aggression crimes and international environmental crimes, have emerged in people's vision, and the areas involved in criminal acts have continued to expand to many profitable areas such as high-tech and ecological environment. As a new right, although people's awareness of its protection under international law is increasing, there is a lack of unified and clear understanding.

With the rapid development of industry and commerce and the surge in population, global natural resources are being consumed at an extremely high rate, leading to serious ecological and environmental pollution problems. People are gradually aware of the importance of environmental rights and strengthening the criminal law protection of environmental rights. Although international legal documents on environmental protection have been issued one after another, from an international criminal law standpoint, none of them control ecological extinction activities, which goes against the reality that these acts inflict damage is becoming increasingly serious. Since ecological extinction endangers the peace and security of all mankind, endangers the common interests of all mankind, and seriously infringes on the international environment for peaceful coexistence of mankind, it has to be added to the list of crimes that the International Criminal Court may handle. Injecting new power into international criminal law and enriching its contemporary connotation will objectively better achieve the punishment and prevention of international crimes.

Result and discussion

Mention the word "ecocide" and we may think of low-lying island nations being swallowed by rising sea levels, forests being cut down to piles, or wildlife suffering in a massive oil spill. Originally, ecocide was conceived as a variety of measures of destruction and devastation that resulted in the destruction or destruction of the ecology of a geographic area, thus harming human, animal, and plant life. [1, p.1-2]

Another definition of ecocide is the planned elimination of all or part of an ecosystem [2, p.66].

This definition is actually modeled after the definition of genocide, which is "destroying a group of people in whole or in part." Based on the above provisions, the author believes that ecocide refers to widespread or systematic behavior that causes damage to the ecological security of the earth, which may include the following behaviors: illegal transportation or disposal of waste; production, processing, transportation, release, etc. of radioactive materi-

als and other dangerous substances; destroying, owning, or capturing natural plants and animals (whether protected or not); engaging in comparable actions that are deliberately carried out to threaten the security of the earth.

From a legislative perspective, domestic legislation on ecocide is difficult. In contrast, incorporating ecocide into the By transferring its authority to the International Criminal Court and ratifying the Rome Statute, international cohesion is achieved. The ultimate objective of international criminal law is to put an end to the practice of impunity for the gravest of crimes; this will both discourage ecocide and ensure that those responsible will not get away with their existing practices. The majority of polluters and damage-doers are international corporations, making it simpler to enforce laws across borders.

Flooding of low-lying coastal communities owing to rising sea levels caused by climate change would force large-scale migration as a result of the inhospitability of these locations. As a result, mass migration might result in atrocities like forced migration and other crimes against humanity. Conflicts between nations vying for resources and protection might also result from the redrawing of maritime borders caused by increasing sea levels. A major danger to global peace, security, and welfare is ecocide. Victims of ecocide will be able to seek compensation quickly when they are in dire need of it if their cases may be brought before the International Criminal Court. This will help ensure that their human rights are protected.

The legal concept of ecocide has to be defined in order for the crime to be established. In 2010, British lawyer Polly Higgins approached the UN Legal Committee with a proposal for a new legislation to address ecocide. She provided the following definition of ecocide: "the acts or inactions of senior personnel in times of peace or war while carrying out the operations of a state, company, or any other entity that cause or threaten to cause significant harm, devastation, or loss of ecology", climate or culture in a specific territory, so that the peace and tranquility of the local residents has been or will be seriously weakened"; the impact is widespread, long-term or serious in degree" [3,p.2-3].

Ecocide describes a war on the ecological environment in which all living things live. It is essentially a crime and should be recognized as a crime against peace [4,p.3].

Only the most heinous acts perpetrated against the natural world should be subject to the ecocide statute. In the event of an ecocide, the earth's safety is jeopardised because of the following: the destruction of a large portion or all of the air, soil, water, aquatic environment, animals, plants, or their populations, as well as the ecological functions of a specific area; the infliction of fatal or chronic illnesses on the local population; or the deprivation of land or natural resources for a long period of time. Ecocide is characterised by the grave harm it inflicts on the world's ecosystems, and the related actions have either already caused or are about to produce such harm.

There are several obstacles that must be overcome in order to prove ecocide as a crime. First, the game of nations looking out for number one, the constraint of political variables. All of the offences listed in the Rome Statute are those over which the International Criminal Court has au-

thority. Revisions to the Rome Statute will "contain" significant political and diplomatic hurdles at every stage of the reform process. Each State Party has its own unique strategic interests, which determine the kind and magnitude of the challenges. Consequently, the State Party whose economy is highly dependent on ecological catastrophes caused by humans may refuse to negotiate any amendments that include the crime of ecocide; Secondly, it is difficult to prove that ecocide has been committed. Ecocide is sometimes caused accidentally by some fortuitous events (such as nuclear explosions or oil spills), but from a historical perspective, the harmful results are often caused by many subtle and seemingly not exaggerated actions carried out by many people over many years; thirdly, It has the potential to diminish public awareness of the gravity of the four current international crimes. Fourthly, there is a possibility that judges sitting on the International Criminal Court do not possess sufficient expertise in relevant domains; fifthly, the addition of "ecocide" to the list of crimes already included in the Rome Statute might reduce the gravity of the four crimes already included in the present Rome Statute. lawsuits involving environmental crimes might be brought before ICC judges in a manner similar to that of patent lawsuits before family law courts. Thus, it is risky to ask ICC judges who aren't involved in ecocide cases to hear them since the hearings might be biased and the conclusions could not be what everyone was hoping for.

Conclusion

All nations' interests should be coordinated, and the international community should act in unison. Together, both goals—peace and development—will aid in reducing the prevalence of transnational crime. But the truth is that massive ecocide is still an issue that the existing international legal system can not adequately resolve. Countries must adapt to new realities and forge supranational cooperation based on coordinated interests if the International Criminal Court is to fulfil its mandate of punishing such behaviour and ensuring global peace and security. This includes addressing the shortcomings of existing international criminal laws and bringing cases of severe environmental damage under its purview.

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