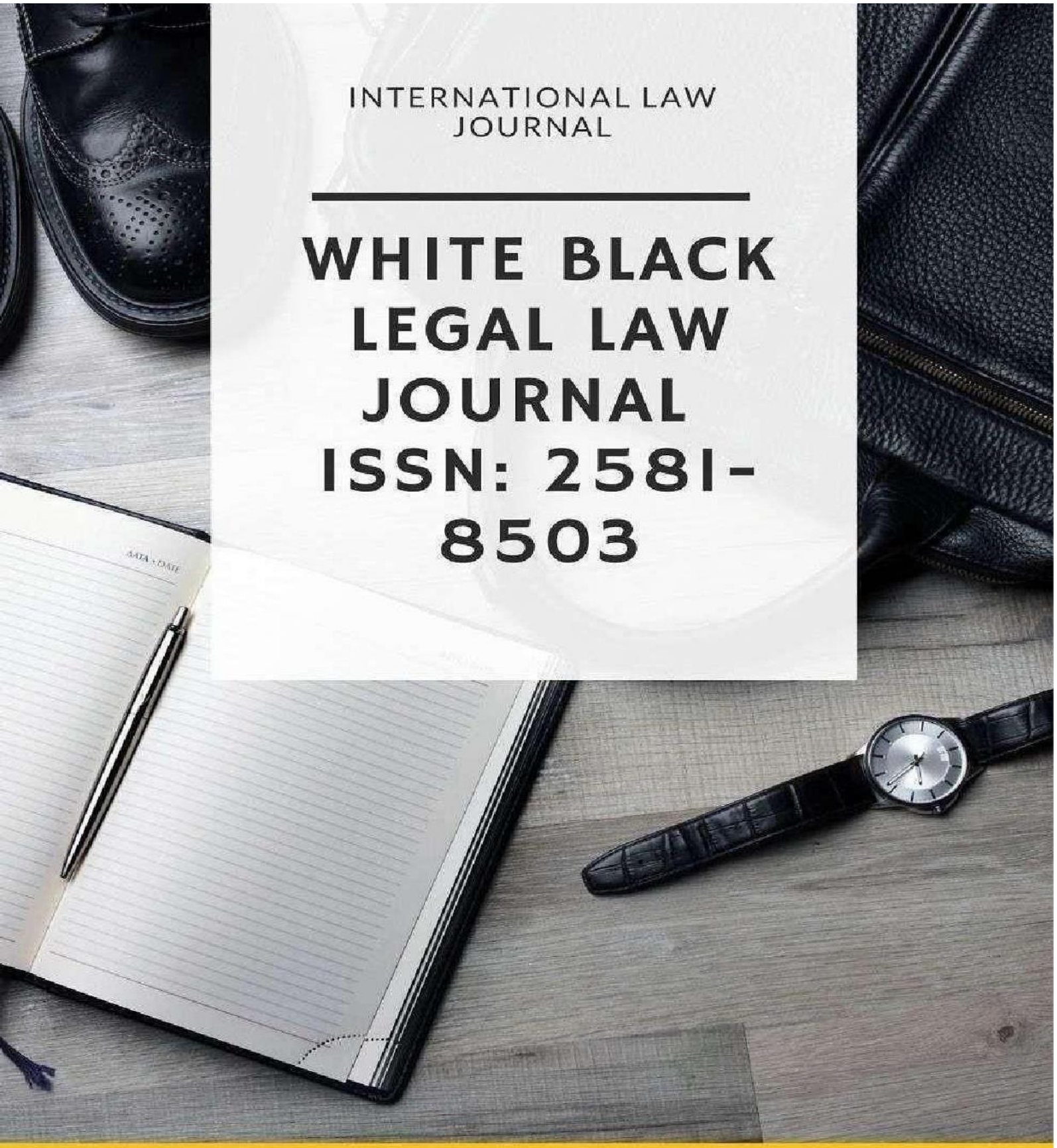


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CRIMINALIZING CLIMATE DESTRUCTION: THE CASE FOR CORPORATE AND GOVERNMENT ACCOUNTABILITY IN ENVIRONMENTAL HARM

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ABSTRACT

Climate change is a crime against our collective future, and it isn't just an environmental issue. Environmental destruction is often treated as a regulatory offence rather than a serious criminal act, from unchecked industrial pollution to illegal deforestation and corporate negligence. But should it be? Why shouldn't corporations and governments face criminal liability for actions that devastate entire ecosystems and displace communities if an individual can be prosecuted for harming another person? Whether existing legal frameworks are strong enough to hold the real culprits accountable is what is being questioned by this paper, and it also explores the evolving role of criminal law in tackling environmental crimes. While fines or administrative penalties may be imposed by many laws, for corporations profiting from environmental harm, these often amount to nothing more than a slap on the wrist. While "ecocide," which is referred to as widespread, irreversible environmental destruction, has begun to be recognized as a potential crime under international law by the global legal community, its enforcement remains a major challenge. This research examines whether criminal prosecution can be an effective tool in the fight against climate change through real-world case studies and legal analysis. Can international corporations, corporate criminal accountability, and stricter liability provisions serve as deterrents? What lessons can be drawn from jurisdictions that have begun to treat environmental harm as not just a regulatory violation but rather as a criminal offence? The law must evolve to meet the crisis at a time when climate change is already causing irreversible damage. This paper argues that in ensuring that those responsible for climate harm are not just fined but held truly accountable, treating environmental destruction as a crime, on par with human rights violations, could be a turning point.

KEYWORDS

Climate Change; Regulatory Offence; Environmental Crimes; Ecocide; Criminal Prosecution

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1. INTRODUCTION

When the Earth Screams and Nobody Hears

The seas are rising, the trees are burning, and the species are disappearing like the wind's whispers. As the planet weeps in agony, the boardrooms hum with profit projections, and the political arenas write policies soaked in denial. Climate change is not merely an emergency of carbon or conservation, it's a moral meltdown. We've been taught to view environmental devastation as a given, but what if it was a crime? What if we labeled these actions for what they truly are, criminal disservices to our only planet?

This is not merely an academic essay. It is a call to conscience. It delves into the ways in which laws can change to acknowledge ecocide, the wholesale destruction of the environment, as a crime. It makes the case for holding corporations and governments accountable not through civil fines or environmental audits, but through criminal law. Because when devastation is planned, when money is put above people, accountability has to mean something more than fines, it has to mean justice.

2. WHAT IS CLIMATE DESTRUCTION AND WHY DOES IT MATTER?

Let's make this personal. Imagine your child breathing poisonous air or drinking polluted water. That's not hypothetical, it's the real-life experience of millions. Climate destruction is any human activity that results in long-term or irreversible harm to Earth's ecosystems. It encompasses:

- Emission of greenhouse gases
- Massive deforestation
- Ocean acidification and pollution
- Loss of biodiversity through habitat destruction[2]

These aren't simply environmental problems. They're human rights abuses. They compromise the right to life, health, food, and shelter. But those doing the most harm, the biggest polluters, are generally exempt from harsh repercussions.

3. THE BIRTH OF 'ECOCIDE' - NAMING THE UNTHINKABLE

The term "ecocide" was first proposed during the Vietnam War, when Agent Orange was used by the U.S. to defoliate Vietnamese forests. That word, created by biologist Arthur Galston, was intended to shock, to outrage, to make us consider ecological destruction as an act of

[2] David R. Boyd, *The Rights of Nature: A Legal Revolution That Could Save the World* 97-115 (2017).

violence.

Ecocide in a legal sense has come to refer to "unlawful or wanton acts done with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment."

If added to the Rome Statute, ecocide would become an international crime prosecuted by the International Criminal Court (ICC) alongside genocide, crimes against humanity, war crimes, and crimes of aggression. And it ought to, because nothing less than the future of life is at risk.

4. WHO'S REALLY TO BLAME? CORPORATIONS AND THEIR CARBON TRAIL

It is a statistical shocker: just 100 corporations are responsible for over 70% of global emissions since 1988. Think about that. While we're told to use paper straws and turn off lights, these entities dig, drill, and destroy at an industrial scale. But it's not just pollution. Corporations engage in:

- Greenwashing (pretending to be eco-friendly)
- Lobbying to weaken environmental laws
- Exporting harm to poorer nations where regulations are lax[3]

The individuals sitting on these boards or sanctioning these projects aren't oblivious. They make informed decisions with knowledge of the aftermath. In any other field, if lives are recklessly put in danger, it's criminal negligence, or even manslaughter. Why the environment different?

5. GOVERNMENTS - THE QUIET COLLABORATORS

Governments are meant to safeguard citizens. Instead, they end up shielding polluters. By subsidizing fossil fuels, lax enforcement, and denialist propaganda, they become accomplices to climate ruin. Such complicity manifests in various ways:

- **Policy-based:** Granting permits for coal mining, oil drilling, or forest cutting schemes.
- **Regulatory:** Not enforcing existing environmental regulations.
- **Financial:** Using taxpayer funds to subsidize ruinous industries.
- **Diplomatic:** Stalling international climate negotiations.

For instance, even though the Amazon is one of the world's biggest carbon sinks, Brazil's

[3] Arthur H. Westing, *Ecocide in Indochina: The Ecology of War*, 15 BioScience 271 (1975).

government has consistently taken the side of agribusiness against indigenous peoples. In the United States, years of oil lobbying have kept effective climate legislation at bay. Inaction is not neutrality, it's complicity.

6. THE LIMITS OF CURRENT LEGAL FRAMEWORKS

Most environmental legislation is administrative or civil. A corporation contaminates, pays a fine, and continues on. That's not justice, it's a bribe. Major shortcomings are:[4]

- No criminal sanctions for corporate environmental offenses
- Difficulty in proving intent
- Legal distinction between corporate and individual responsibility
- Inability to prosecute governments under domestic law

We need a legal leap. Civil liability can plant trees, but criminal law stops destruction. It's time for a justice system which not only tallies costs, but which also weighs harm in human and environmental terms.

7. MAKING THE CASE FOR CRIMINALIZATION

Why criminal law? Because some actions are too harmful to be dismissed as "mistakes" or "risks." They are reckless, ruthless, and sometimes premeditated. Making ecocide criminal would:

- **Signal severity:** Raise environmental damage to the same level as other crimes against humanity.
- **Alter incentives:** CEOs would hesitate if prison, not merely fines, was at stake.
- **Enable victims:** Communities might at last receive justice for decades of damage.[5]
- **Alter culture:** Redefine environmentalism as advocacy rather than legal requirement.

8. REAL-WORLD EXAMPLES - JUSTICE DELAYED, JUSTICE DENIED

(i) Shell In Nigeria

Oil spills have made the Niger Delta a poisonous wasteland. People live with cancer, unemployment, and poisoned water. Years of litigation later, Shell compensated, but

[4] Richard Heede, *Tracing Anthropogenic Carbon Emissions to Fossil Fuel and Cement Producers, 1854-2010*, 122 Climatic Change 229 (2014).
[5] *Milieudefensie v. Royal Dutch Shell*, C/09/571932/HA ZA 19-379 (Hague Dist. Ct. May 26, 2021).

no executive was tried criminally.

(ii) The Amazon's Assault

Illegal logging and state-supported agricultural encroachment have destroyed tracts of the Amazon. Indigenous leaders are murdered. Biodiversity is wiped out. Nobody is in prison.

(iii) Exxonmobil's Deception

Internal reports show Exxon was aware of climate change as far back as the 1970s. Rather than alerting the public, they paid for disinformation campaigns. That's not ignorance, it's conspiracy.

9. WHAT WOULD A LEGAL FRAMEWORK FOR ECOCIDE LOOK LIKE?

A strong ecocide law would have to include:

- **Clear definitions:** "Severe," "widespread," and "long-term" harm must be legally grounded.
- **Corporate liability:** Not fines, but criminal charges against executives.[6]
- **State responsibility:** Legal penalties for government inaction or encouragement of environmental damage.
- **Jurisdiction:** International courts or mixed tribunals with actual jurisdiction.
- **Restorative justice:** More than punishment, victims and ecosystems need to be repaired.

10. OVERCOMING THE SKEPTICISM AND RESISTANCE

"But won't this hurt the economy?" No. Climate devastation already does. Floods, heatwaves, and blazes cost billions. Shifting to sustainable models will create jobs, not destroy them.

"It's too hard to enforce." So was prosecuting genocide before Nuremberg. Legal will follows moral clarity.

"Isn't this too political?" So is allowing corporations to choose the future of the earth. Justice is always political, but that doesn't make it wrong.

[6] *Juliana v. United States*, 217 F. Supp. 3d 1224 (D. Or. 2016).

11. THE HUMAN SIDE OF THE CLIMATE CRISIS

Numbers do not bleed. People do. The kid with asthma from air pollution. The farmer who loses crops every year. The indigenous elder seeing ancestral lands go up in flames. Their stories aren't footnotes, they are the essence of this crisis.[7]

Criminalizing ecocide isn't punishing industry, it's fighting for life. All life. Human and non-human. Now and always.

12. THE PSYCHOLOGY OF ENVIRONMENTAL INDIFFERENCE

There is something deeply tragic, and deeply human, about our ability to ignore suffering, especially when it unfolds slowly and out of sight. Climate destruction isn’t usually announced with gunfire or bloodshed. It creeps. It dissolves coastlines in silence. It dries rivers drop by drop. And as it does, most of us look away.

Psychologists refer to this as "psychic numbing," a defense mechanism that comes into play when the magnitude of a tragedy becomes too much to bear. That's the reason a picture of a single oil-covered bird stays with us longer than a story describing the extinction of 1,000 species. We tune out emotionally, not because we are uncaring, but because we care too much to bear it all in.

Governments and corporations understand this. That's why they talk in numbers, per capita emissions, GDP growth, barrels per day. Numbers put distance between us. They make catastrophes sound like data rather than decisions. But criminal law doesn't talk in spreadsheets. It talks in stories: who did what, to whom, and why it matters. By criminalizing environmental damage, we bring the story back into human terms. We speak the truth in a language the heart can hear.

13. LEGAL PERSONHOOD FOR NATURE: A REVOLUTIONARY REMEDY?

Something remarkable took place in New Zealand in 2017: a river was legally recognized with the same rights as a human. The Whanganui River, which was special to the Māori people, could finally have a voice through its caretakers in the courtroom. It was no longer an asset; it was a relative.

This isn't fantasy. This is law finally catching up with ancient knowledge. All around the globe, from India's Ganges River to Colombia's Amazon, judges and townspeople are trying to apply

[7] Erin Daly & James May, *Global Environmental Constitutionalism* 203-17 (2016).

the outrageous notion that nature has rights, literally, not metaphorically.

How different would things be if we consider a forest the victim of an offense during a trial, rather than the backdrop for it? Everything. Legal personhood enables us to listen to what nature has been trying to tell us all along: I count. I bleed. I am worthy of protection. When combined with criminal liability, this idea turns environmental law from a set of rules into a system of justice. It speaks for the voiceless, not only for now, but for generations to come.

14. CLIMATE HARM AS A VIOLATION OF INTERGENERATIONAL JUSTICE

Imagine a child born today in the Sundarbans. By age ten, her village could already be submerged. At thirty, her nation could already be struggling with record droughts and food scarcity. She will inherit none of the security her ancestors had, only the aftermath of decisions she never took.

Intergenerational justice is more than an abstract concept. It's a moral compact. A tacit pledge one generation makes to the next. That compact has been breached.

Climate devastation is theft. Not of property, but of potential. It takes the breath from the lungs of the future. If we don't criminalize such damage, we aren't just abandoning the law, we're betraying a sacred trust. The law needs to change so that those who trade the future for short-term advantage can be held to account. We owe it to that kid. We owe it to ourselves.

15. THE ROLE OF INTERNATIONAL FINANCIAL INSTITUTIONS

Behind every mine drilled into Native land or pipeline dug through delicate wetlands, there is a spreadsheet, a wire transfer, a boardroom decision. Institutions such as the World Bank and IMF don't swing axes or pour cement. But they write the checks. They dictate the terms. And in doing so, they often ignite the match.

Under the guise of "development," these organizations have sponsored projects that relocate entire communities and contaminate ecosystems. The irony is that these are the same communities their aid is intended to help. The violence is not direct, but it is intentional.

Accountability has to reach beyond the frontlines. If investors knowingly fund projects that cause environmental devastation, they need to be held criminally accountable, as enablers, as co-conspirators. Money, after all, is not anodyne. It has fingerprints. And when it leaves ruin in its wake, the law should trail behind.

16. ENVIRONMENTAL DESTRUCTION AS CULTURAL GENOCIDE

When a forest dies, it's not only trees that disappear. Entire cosmologies lose their existence. Songs lose their significance. Languages deteriorate. For indigenous peoples, the land is not a background to life, it is life. Their myths, their rituals, their selves are sewn into the earth.

So, when companies plow up ancestral homelands or states inundate sacred valleys, it is not just environmental destruction. It is cultural wiping out. It is genocide, not the usual meaning, but erasure of a people's mode of existence.

This worldview compels us to redefine harm. It's not merely about emissions or endangered animals. It's about dignity. It's about memory. Criminalizing the destruction of the environment must then consider the cultural casualties it entails. Because preserving the Earth is not only about carbon, it's also about culture.[8]

17. ENVIRONMENTAL DAMAGE AS A VIOLATION OF HUMAN RIGHTS

We tend to imagine human rights as an abstraction, legal principles on paper, but climate devastation makes this abstraction a frightening reality for millions of people. When a company pours dirty waste into a river, it's not only the water that's damaged, it's the people who are reliant on it to survive. Humans have a right to clean air, clean water, and a healthy environment, it's not a luxury, it's a human right.

Think of the families that reside on the front lines of industrial pollution. In areas such as the Niger Delta, children are born into societies where it's a daily gamble to breathe the air and drink the water. This isn't an environmental concern. It's a human rights emergency. Criminalizing environmental damage makes us confront the intensely personal toll of ecological devastation. It makes suffering for people, mothers, children, farmers, and fishermen, a legal concern. We can no longer assume that hurting the environment does not hurt people. It's time to safeguard human rights by criminalizing environmental devastation.

18. REIMAGINING CORPORATE ACCOUNTABILITY: BEYOND FINANCIAL PENALTIES

Corporations have been getting away with environmental crimes for years, viewing penalties as merely another business expense. But when a corporation spills oil into the ocean or burns

[8] Whanganui River Claims Settlement Act 2017 (N.Z.).

down a forest, the damage to the environment and human communities is incalculable. Financial penalties tend to be small compared to the profits these corporations reap, creating a profoundly unfair scenario where businesses profit from destruction without penalty.

What if corporate responsibility were not in dollars and cents? What if CEOs, executives, and board members themselves were held responsible for the destruction their companies wreak? What if corporate leaders went to jail, served time in prison, and suffered reputational destruction for causing environmental damage? This is not a utopian fantasy. Holding people accountable criminally assures that corporations will not be able to just buy their way out of their green crimes. In redefining accountability, not only do we punish the culprits but also establish an effective deterrent that compels businesses to reconsider their environmental policies.

19. THE ROLE OF CIVIL SOCIETY IN HOLDING GOVERNMENTS AND CORPORATIONS ACCOUNTABLE

In a world where governments and corporations frequently get away with impunity, civil society, activists, indigenous peoples, and grassroots organizations, is the real guardian of justice. They are the people's voice, the guardians of the environment, and the watchdogs of corporate greed.

Consider the case of the international "Fridays for Future" movement, which has mobilized millions of youths to call for action on the climate crisis. Or think of the relentless struggles of indigenous groups in the Amazon who are fighting back against multinationals eager to burn their forests for profits. Civil society does not simply raise awareness, civil society acts, constructs cases, and holds people accountable with protests, petitions, and lawsuits.

By standing with and amplifying the voices of the people on the ground, we can demand legal frameworks that criminalize environmental devastation. Civil society organizations are not merely advocating for policy, they are advocating for justice. What they demonstrate is that true change is conceivable when communities come together and insist that those in power become accountable for the damage they cause to the planet and its people.

20. THE INTERSECTION OF SOCIAL JUSTICE AND CLIMATE JUSTICE

Climate change is not only an environmental problem, it is also a social justice problem. The most vulnerable communities are usually the ones most impacted by environmental

degradation. Women, children, and indigenous peoples are disproportionately affected by the changing climate, but they are the least culpable for causing it.

In Bangladesh, for instance, millions of individuals who reside on the periphery of climate change are being displaced by the rising sea level. They are not environmental refugees, they are individuals who have lost everything: their homes, their livelihoods, their culture. Land loss means loss of identity, and the most vulnerable tend to suffer from this destruction.

Criminalizing environmental damage needs to consider this disparity. It's not simply saving ecosystems. It's standing for the people who rely on them. By acknowledging the connection between climate justice and social justice, we establish a legal system that considers intersectionality of damage, making sure those who have been left behind are heard and safeguarded in the courtroom.

21. IS PIERCING THE CORPORATE VEIL AVAILABLE FOR ENVIRONMENTAL CRIMES?

The corporate veil has served to let affluent and influential actors escape responsibility for environmental crimes for far too long. The corporation is frequently given a separate entity status, i.e., that its management figures, CEOs, board members, and shareholders, are not personally held accountable for the damage perpetrated by their businesses.

But what about when the individuals who operate the companies are actively complicit in the destruction of ecosystems, exploitation of workers, and destruction of communities? Can they hide behind a legal fiction, or must they be held personally responsible for their actions?

Piercing the veil of the corporation for environmental crimes is not only fair, it is required. When corporate executives make choices that result in environmental destruction, they must not be permitted to take cover behind the corporation's legal shield. Rather, we must hold them personally responsible for the damage they inflict. In doing so, we send a strong message: no one, be they a multinational CEO or a common citizen, is above the law when it comes to defending the planet.

22. TECHNOLOGICAL SOLUTIONS VS. REAL ACCOUNTABILITY

In the push to fight climate change, technical solutions come out top as the hero. Carbon capture, geoengineering, and artificial intelligence are slated to become the new cool in the battle against climate change. But the hard reality is this: Technology cannot repair what has been destroyed through decades of corporate greed and governmental inaction.

Technology can mitigate part of the impacts of climate change, but it will never do away with the call for actual accountability. Technological interventions are indispensable in the war against climate devastation, but they should never be employed as a justification to escape criminal responsibility on the part of those perpetrators of environmental destruction. Making environmental destruction criminal compels us to confront the past, to hold individuals responsible, and to shape a future where technology and justice are not adversaries, but are in alliance to protect the earth.[9]

23. THE ECONOMIC COSTS OF CLIMATE DESTRUCTION: A LEGAL PERSPECTIVE

When we consider the economic expense of climate devastation, we tend to think about the direct expense: destroyed infrastructure, lost agriculture, and ruined livelihoods. But the real economic expense of climate damage is much higher than that. It is the long-term harm to economies, health systems, and communities that we will be paying for decades to come.

The reality is that we are outsourcing the cost of environmental damage to the future. In this section, we look at how the economic impact of climate destruction tends to be overlooked in legal systems. By making environmental harm a crime, we can make sure that the cost of climate destruction is paid, and that those who commit harm must accept the financial and social burden of it.

24. ENVIRONMENTAL DAMAGE AND NATIONAL SECURITY: A NEW PARADIGM

National security threats used to be traditionally framed in terms of military conflict, terrorism, or political instability. But as global warming gains momentum, environmental damage is rapidly emerging as one of the most significant national security threats. Resource wars, mass migrations, and geopolitical instability are all consequences of climate damage.

From the thawing ice caps in the Arctic to diminishing freshwater resources in Central Asia, ecological damage is now irrevocably tied to national security. Governments are starting to wake up to this reality, but there is a long way to go before ecological damage is accepted as a national security issue. Criminalizing the destruction of the environment will serve to put national and international stability first, sending the message that the degradation of ecosystems

[9] U.N. Human Rights Council, *Report of the Special Rapporteur on Human Rights and the Environment*, U.N. Doc. A/HRC/37/59 (2018).

is a threat not only to the environment, but to peace, security, and human rights.

25. INDIGENOUS KNOWLEDGE AND LEGAL ACTION AGAINST ENVIRONMENTAL HARM

Indigenous peoples have existed in close harmony with the earth for thousands of years, with complex systems of knowledge that ensure sustainability and co-existence with nature. But when governments and corporations rip through forests and contaminate rivers, this timeless knowledge is now more regularly dismissed in favor of instant riches.

Indigenous peoples are not only victims of environmental damage, they are also crucial guardians of the land. This section examines how indigenous knowledge can be used to guide legal action against environmental degradation. By integrating traditional ecological knowledge into contemporary legal systems, we can create more comprehensive solutions that honor both the environment and the cultures that rely on it. Indigenous peoples need to be at the center of any legal campaign to fight environmental damage.

26. CONCLUSION: FROM INDIFFERENCE TO JUSTICE

We've come to a fork in the road. Our choices today will reverberate for centuries. If we permit corporations to continue to profit from devastation, and governments to keep protecting them, we are responsible. But if we opt for accountability, we opt for life.

Making climate destruction a crime isn't only legally right, it's morally imperative. It sends a message to the world that there are boundaries we will no longer tolerate being crossed. Because when the planet burns, we all burn. But when justice emerges, so does hope.

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