

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

*Shubhra Khanna & Dr. Eakramuddin**

Abstract

Sustainable development theory reconceptualizes development to meet the current generations needs without compromising on the needs of the future generations. It calls for a balanced approach which combines growth and equity and takes account of both economic, social and environmental considerations as true progress must be of long duration and benefit the next generations. It emphasizes that environmental conservation is essential for the stability of the economy and social development in general, since pollution and destruction of nature endanger economic safety and human rights. The most serious damage from ecocide affects sustainable development; by destroying ecosystems disputes are created within communities and livelihoods disrupted, often because of social conditions (i.e., poverty) or because of conflict. Purpose of research is to analyse the gravity of environmental damage and adopting ecocide as 5th core international crime under International Criminal Court. The research problem is that big states and corporations do not follow practices to preserve the environment for their own cause. Doctrinal research methodology has been adopted in the present article. Legal and ethical tools to be used to make corporations accountable for loss to the environment. Transnationals frequently cause the reality of ecocide, which endangers local and then world economic systems. The piece calls for worldwide legislation to outlaw ecocide, punish corporations.

Keywords:- Ecocide; Corporate accountability; International law; Environmental preservation; Sustainable development.

* Shubhra Khanna, Research Scholar, Faculty of Law, Jamia Millia Islamia University, New Delhi and Dr. Eakramuddin, Associate Professor, Faculty of Law, Jamia Milia Islamia, New Delhi.

1. Introduction

The term ‘Ecocide’ means mass damage and destruction to the environment, the natural organism which causes harm to health, survival or safety of living being. It is gaining recognition as a possible crime against humanity, along the lines of genocide or war crimes. It is also frequently referred to as the “killing of our home” because it evolves from eco (house) and cide (kill).¹ The convergence of the decline of environment, corporate conduct and sustainability pose urgent legal, ethical and environmental challenges. Despite an absence of recognition as a transnational crime in the Rome Statute before International Criminal Court (ICC), there has been increasing global momentum – particularly among vulnerable environmental countries including India to criminalize ecocide as the fifth international core crime.² Environmental justice and sustainable development require corporate accountability, but many companies prize profits over the health of the planet, sabotaging global sustainability aims such as the UN’s 2030 Agenda.³ This analysis emphasizes the systemic, profit-based role that corporations — especially those in sectors like fossil fuels, tobacco and chemicals — play in the climate crisis, often while knowing their activities directly damage the environment. It asks why such companies are not more publicly responsible for their key role in the destruction of the planet.

1.1 Statement of Problem

Climate change presents a global challenge with profound implications for human rights, biodiversity, and sustainable development. This study critically examines the application of international criminal law to hold states accountable for their roles in contributing to and failing to prevent climate change. It investigates the legal frameworks, challenges, and opportunities surrounding state responsibility under international law,

1 P. Higgins, *Eradicating Ecocide: Laws and Governance to Stop the Destruction of the Planet* (Shepherd-Walwyn, 2010).

2 Rome Statute of the International Criminal Court, July 1, 2002, art. 5.

3 United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development* (United Nations, 2015), available at <https://sdgs.un.org/2030agenda> (last visited October. 20, 2025).

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

aiming to provide insights into effective strategies for addressing and mitigating the impacts of climate change through legal mechanisms.

1.2 Research Methodology

The present research adopts a doctrinal research methodology, primarily involving the systematic analysis of statutes, case laws, legal principles, and scholarly writings to understand the existing legal framework. In addition, a comparative analysis has been employed to examine and contrast relevant laws, judicial approaches, and practices across different jurisdictions, with the objective of identifying similarities, differences, and best practices. Further, an explorative method has been used to explore emerging issues, trends, and perspectives related to the subject matter, enabling a deeper and broader understanding of the problem under study. The combined use of these methodologies ensures a comprehensive, analytical, and critical examination of the research topic.

2. Understanding Ecocide

2.1 Evolution and Definition

Historically, the term Ecocide was coined by American biologist Arthur W. Galston in the conference entitled “War and National Responsibility”.⁴ Etymologically, the word Ecocide is a combination of two words, the Greek word “*okios*” which means home and the Latin word “*caedere*” that means destruction or killing.⁵ Ecocide refers to large-scale damage or destruction of ecosystems,⁶ severely impacting the survival and well-being of both humans and wildlife. Often caused by human activity, its effects are long-lasting and sometimes irreversible. According to Higgins, ecocide is, “The extensive damage to, destruction of, or loss of

4 A.W. Galston, “War and National Responsibility” (Conference Presentation, Washington, D.C., USA, Feb. 15, 1970).

5 *Supra Note 1*

6 Polly Higgins definition of ecocide is as follows: ‘the extensive damage to, destruction of or loss of ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished’. Ecocide instances such as rainforest destruction, marine pollution, and rising carbon dioxide levels.

ecosystem(s) of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been or will be severely diminished”⁷. It is long-term, widespread damage with reckless disregard to the environment which results in harm to the entire ecosystem or species including human beings and is clearly excessive in relation to social and economic benefits.⁸

2.2. Some notable examples of ecocide

1. **Amazon deforestation driven by agribusiness**⁹ - Over the past decades, agribusiness expansion, especially cattle ranching, soybean cultivation, and palm oil production, has become the major force behind extensive deforestation across the region.¹⁰ Such deforestation contributes to huge environmental degradation, ranging from loss of biodiversity, erosion of soils, disturbance of hydrological cycles, and enhanced emissions of greenhouse gases.¹¹

2. **Oil spills**¹² (e.g., Deepwater Horizon) - Oil spills are one of the most destructive types of marine pollution, inflicting long-term damage on aquatic ecosystems, wildlife, and coastal communities.¹³ Massive discharges, like the blowout (2010) of the Deepwater Horizon in the Gulf of Mexico, delivered millions of barrels of oil to the sea and caused

7 Independent Expert Panel for the Legal Definition of Ecocide, *Proposed Definition of Ecocide* (Stop Ecocide Foundation, 2021), available at <https://www.stopecocide.earth/legal-definition> (last visited October 21, 2025).

8 *Ibid.*

9 R.A. Butler, “Amazon Deforestation and Agribusiness Expansion,” *Mongabay* (2023), available at <https://news.mongabay.com> (last visited October 22, 2025).

10 *Ibid.*

11 T.E. Lovejoy & C. Nobre, “Amazon Tipping Point: Last Chance for Action,” 4(2) *Science Advances* eaat2340 (2018).

12 National Oceanic and Atmospheric Administration (NOAA), *Deepwater Horizon Oil Spill: The Largest Marine Oil Spill in History* (U.S. Department of Commerce, 2020), available at <https://response.restoration.noaa.gov> (last visited October 23, 2025).

13 *Ibid.*

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

massive ecological and economic damage.¹⁴ When crude oil is floating on the surface of water in the ocean, it also blocks light and oxygen from the sun which affects photosynthesis causing lesser aquatic ecosystem diversity as well as harm to coral ecosystems.¹⁵

3. Mining disasters (e.g., Brumadinho dam collapse in Brazil)¹⁶ - Mining accidents present a significant threat to the environment, public health and sustainable development. The most terrible recent event is the 25 January 2019, dam failure in Brumadinho Brazil during which a Dique III tailings dam ruptured, collapsed, unleashing nearly 12 million cubic meters of toxic mining waste into the rivers and people nearby.¹⁷ The tragedy took the lives of more than 270 people and imposed heavy pollution in the Paraopeba River, with long-term ecological damages and community displacement.¹⁸ The accident exposed systemic faults in mining regulation like insufficient safety inspection, loose corporate social responsibilities and failure of the government's environmental regulation.¹⁹

4. War-related environmental degradation- Recent wars, particularly the war in Ukraine, have been devastating to the environment, with attacks on industry and farmland²⁰ and threats of nuclear reactors.

14 National Aeronautics and Space Administration (NASA), *The Legacy of the Deepwater Horizon Oil Spill* (NASA Earth Observatory, 2017), available at <https://earthobservatory.nasa.gov> (last visited October 24, 2025).

15 Fingas, M. (2012). *The basics of oil spill cleanup* (3rd ed.). CRC Press.

16 International Labour Organization (ILO), *Brumadinho Dam Disaster, Brazil: Lessons for Safety and Accountability in Mining* (2019), available at <https://www.ilo.org> (last visited October 25, 2025).

17 *Ibid.*

18 BBC News, "Brumadinho Dam Collapse: Hundreds Feared Dead After Brazil Disaster," Jan. 26, 2019, available at <https://www.bbc.com/news/world-latin-america-47006015> (last visited October 25, 2025).

19 The Guardian, "Brazil Dam Collapse: Corporate Negligence and Regulatory Failure," Feb. 1, 2019, available at <https://www.theguardian.com> (last visited October 26, 2025).

20 United Nations Environment Programme (UNEP), *Environmental Consequences of the War in Ukraine: Preliminary Assessment* (United Nations, 2022), available at <https://www.unep.org> (last visited October 26, 2025).

The loss of biodiversity is accelerated and ecosystems are degraded as a result of combat activities, the UNEP warns, while sustainable development is also thwarted in war-affected regions.²¹ Environmental experts refer to these effects as a form of "ecocide" and argue that deliberate or reckless environmental destruction during war should be pursued as an international crime under the Rome Statute.²² Recognition of a war-environment nexus therefore underscores an important point of intersection between international humanitarian law and the environmental domain, highlighting the need for improvements to existing accountability.²³

5. Forest Diversion for Infrastructure Projects - Continued worry of irreversible loss of ecosystems²⁴ Risking further, the clearing of forestland for infrastructure proposals like roads, dams and mining too has resulted in large scale deforestation, erosion of habitat and displacement of tribal communities²⁵ thus infringing on India's commitment to climate action as well as biodiversity conservation.²⁶

3. Indian perspective

India does not have a particular national-level law for ecocide but it may not preclude corporations from being liable under current environmental laws in relation to damage done (e.g. the Bhopal Gas

21 United Nations Environment Programme (UNEP), *Protecting the Environment during Armed Conflict: An Overview of International Law* (United Nations, 2016), available at <https://www.unep.org> (last visited October 27, 2025).

22 *Ibid.*

23 United Nations International Law Commission (ILC), *Draft Principles on Protection of the Environment in Relation to Armed Conflicts* (United Nations, 2019), available at <https://legal.un.org> (last visited October 27, 2025).

24 Ministry of Environment, Forest and Climate Change (MoEFCC), *Forest Diversion and Compensatory Afforestation in India: Annual Report* (Government of India, 2022), available at <https://moef.gov.in> (last visited October 27, 2025).

25 Centre for Science and Environment (CSE), *State of India's Forests 2020: Forest Diversion and Land-Use Change* (2020), available at <https://www.cseindia.org> (last visited October 27, 2025).

26 Ministry of Environment, Forest and Climate Change (MoEFCC), *Compendium on Environmental Governance and Sustainable Development* (Government of India, 2021).

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

Tragedy) - illustrating a difficulty in obtaining corporate accountability.²⁷ India has taken a progressive step by legally recognising nature as a person in some court decisions but it must be aligned with the international understanding of ecocide²⁸, strengthen and enforce corporate responsibility—specifically pertaining to major industrial accidents and hazardous waste.²⁹

3.2 Judicial Precedents

Bhopal Gas Tragedy (1984) - One of the world's most terrible industrial disaster; it resulted in colossal ecological, and human loss³⁰ - India has seen unprecedented pace of industrialization, and infrastructural development at a cost that is-both unsustainable environmentally as well as humanly. The (1984) Bhopal Gas Tragedy is still one of the most devastating industrial disasters in history where a fatal gas leak from the Union Carbide pesticide plant resulted in thousands of deaths and continued ecological pollution.³¹ The disaster exposed gross corporate negligence and lack of preparedness for disasters, which prompted the Indian Government to enact the Environment (Protection) Act, 1986.³²

Vedanta Mining Case (Niyamgiri Hills) - Mining plans that jeopardise indigenous tribes and eco-systems³³ – Also the Vedanta Mining

27 The Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985, No. 21 of 1985, India.

28 *Mohd. Salim v. State of Uttarakhand*, AIR 2017 Utt 19 (Uttarakhand High Court).

29 Centre for Science and Environment (CSE), *Industrial Pollution and Hazardous Waste Management in India: Policy Gaps and Enforcement Challenges* (2021), available at <https://www.cseindia.org> (last visited October 28, 2025).

30 Government of India, *Report on the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985* (Ministry of Law and Justice, 1985).

31 *Ibid.*

32 The Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 (Act No. 21 of 1985).

33 United Nations Environment Programme, *Environmental Justice in South Asia: Lessons from the Bhopal Disaster* (United Nations, 2018), available at <https://www.unep.org> (last visited October 29, 2025).

Case in India's Odisha Niyamgiri Hills became a case study between industrialisation versus right of indigenous, wherein Supreme Court ordered stay on mining of bauxite conducive to protection of culture and ecology heritage of Dongria Kondh tribe.³⁴

Sterlite Copper Plant (Thoothukudi, Tamil Nadu) - Closed because of serious environmental/public health violations³⁵ - The closure of the Sterlite Copper Plant in Thoothukudi, Tamilnadu (2018) had emerged in a context where public concern was increasing over industrial pollution and its threat to public health which were being passed off as collateral damage due lax regulation environment.³⁶

The Supreme Court of India has developed the doctrine of environmental sustainability that flows from a series of celebrated judgments which showcases ecocide preventing spirit (though ecocide does not find a place in Indian legal literature as yet). Court, the right to a clean and healthy environment has been read within the ambit of Article 21 of the Constitution, which also implies environmental degradation as violation of right to life.³⁷ In the classic case of ***M.C. Mehta v. Union of India*** (1987)³⁸, the Court enunciated the 'polluter pays' and 'absolute liability' doctrines, which made corporations accountable for a wide range of environmental damage.

In the latest judgment of ***M.K. Ranjitsinh v. Union of India***,³⁹ The Supreme Court of India allowed development of energy measures for

34 Orissa Mining Corporation v. Ministry of Environment and Forests, (2013) 6 SCC 476 (Supreme Court of India).

35 Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board, National Green Tribunal, Order dated Dec. 15, 2018.

36 Sterlite Industries (India) Ltd. v. Tamil Nadu Pollution Control Board, Appeal No. 161 of 2018, National Green Tribunal (2019).

37 Subhash Kumar v. State of Bihar, AIR 1991 SC 420 (Supreme Court of India).

38 M.C. Mehta v. Union of India (Oleum Gas Leak Case), AIR 1987 SC 1086 (Supreme Court of India).

39 M.K. Ranjitsinh v. Union of India (2024) (Supreme Court of India).

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

sustainable development with safety measures for the environment. Measures like Bird diverters and underground cables can be adopted for the protection of birds without halting overhead transmission lines for fulfilling sustainable development goals.

4. Corporate Accountability: Legal and Ethical Challenges

4.1 Corporate Impunity and the Profit Motive

Many of the largest global corporations operate across borders, and there are plenty of weak rules to skirt in addition to murky legal territories.⁴⁰ Environmental damage is often the result of Assaultive extractive firms,⁴¹ Greenwashing and exaggerated ESG announcements,⁴² Slack oversight of environmental rules.⁴³

4.2 Legal Mechanisms for Accountability

Efforts to hold corporations accountable have included

1. ESG reporting requirements
2. Litigation under tort law and international human rights law
3. Due diligence legislation, like EU CSDDD⁴⁴

40 United Nations Conference on Trade and Development (UNCTAD), *World Investment Report 2020: International Investment and Multinational Enterprises* (United Nations, 2020), available at <https://unctad.org/webflyer/world-investment-report-2020> (last visited October 30, 2025).

41 United Nations Environment Programme (UNEP), *Extractive Industries and Sustainable Development: A Resource for Policy-Makers* (UNEP, 2019), available at <https://www.unep.org> (last visited October 30, 2025).

42 M.A. Delmas & V.C. Burbano, "The Drivers of Greenwashing," 54(1) *California Management Review* 64 (2011).

43 Organisation for Economic Co-operation and Development (OECD), *Environmental Performance Review: Strengthening Enforcement and Compliance* (OECD Publishing, 2021), available at <https://www.oecd.org> (last visited October 30, 2025).

44 European Commission, "Corporate Sustainability Due Diligence Directive: Human Rights and Environmental Due Diligence," Aug. 13, 2025, available at https://commission.europa.eu/business-economy-euro/doing-business-eu/sustainability-due-diligence-responsible-business/corporate-sustainability-due-diligence_en (last visited October 30, 2025).

4.3 Corporate Accountability and Ecocide

Corporate responsibility is crucial in the fight against climate change, especially given that corporations remain a leading source of global emissions.⁴⁵ Therefore so are corporate directors for implementing sustainable practices that they control, as each of us is in our "big pictures".⁴⁶ Ecocide laws as they are being proposed in many places is an encouraging means for criminalizing corporate ecological harm and for dissuading this behaviour via shaming through public exposure.⁴⁷ Yet that could work only if the legal definition gets honed through legislation and corporate responsibility is explicitly spelled out.⁴⁸

The emerging campaign for the establishment of "ecocide as an international crime" has brought about more attention to the issue of corporate criminal responsibility, since it is often global companies that are responsible for significant destruction of the environment. The classical international criminal law that emphasizes individual criminal liability is ineffective in dealing with "corporate structural and systemic damage." A convergence of different liability regimes such as vicarious liability, strict liability, command responsibility, and derivative liability can provide an effective solution to make corporations responsible for ecocide.

4.4 Command Responsibility

"Command responsibility," a principle of international criminal law, states that "superiors are responsible for the crimes of their subordinates

45 Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Mitigation of Climate Change* (Cambridge University Press, 2022), available at <https://www.ipcc.ch/report/ar6-wg3/> (last visited October 30, 2025).

46 United Nations Environment Programme (UNEP), *Corporate Sustainability and Responsibility: Strengthening Accountability for Environmental Performance* (United Nations, 2019), available at <https://www.unep.org> (last visited October 30, 2025).

47 Stop Ecocide Foundation, *Proposed Legal Definition of Ecocide* (Independent Expert Panel for the Legal Definition of Ecocide, 2021), available at <https://www.stopecocide.earth/legal-definition> (last visited October 31, 2025).

48 K. Gray, "The Case for Ecocide as an International Crime," 23(2) *Environmental Law Review* 89 (2021).

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

if they knew or should have known of these crimes, but failed to prevent or punish them.” When it is applied in the context of a corporation, it is aimed at ‘directors/executive officers’ who effectively control environmental destructive activities. “Shell’s activities in the Niger Delta” is one such lawsuit that remains pertinent to the importance of this framework. Proof of “long-standing environmental damage” and “corporate knowledge” establish the importance of command responsibility. Command responsibility bridges the divide between individual criminal responsibility and corporate liability by ensuring that senior management does not fall back on the complexities of the organization to evade personal responsibility. Proof of effective control in a multi-national corporation remains a challenge.

4.5 Derivative (Identification) Liability

“Derivative or identification” refers to the practice of ascribing the actions and motivations of the executive management, or “directing mind and will,” to the corporation itself. This is useful in instances where the damage caused is direct as a result of actions taken by the company’s board of directors.

In the UK Supreme Court case of *Vedanta Resources Plc v. Lungowe*, the court established that parent companies can owe a duty of care for environmental damage caused by foreign subsidiaries should decisive control exist. Although this is a civil law precedent, the argument is pertinent to criminal responsibility for ecocide. This effectiveness is weakened by the structure of decentralized companies that seek to avoid responsibility by decentralizing decision-making.

4.6 Enforcement Challenges

However, Despite the existence of various models of liability, enforcement is the major challenge that prevents companies from being held accountable for ecocide. This is more evident for jurisdictional challenges since cases of environmental damage tend to occur in developing nations, but the company’s base or property is found elsewhere. This creates a challenge since universal jurisdiction does not exist for ecocide crimes. Complex corporate structures add to these

challenges of enforcement. Transnational corporations are organized through subsidiaries, joint ventures, and contractors, making it difficult to establish causality. Moreover, the proof of strict scienter concerning generalized or prolonged environmental damage would be difficult to establish. In terms of state vulnerabilities, corruption of institutions, such as capture by corporate interests, or state dependency on investment by these entities, impede enforcement by states. At the international level, the lacking jurisdiction of the International Criminal Court over legal persons creates a critical gap in accountability.

5. Sustainable Development: A Contradiction in Terms?

Defining sustainable development coupled with tensions with growth

Sustainable development is described as “development that meets the needs of the present without compromising the ability of future generations to meet their needs” by The Brundtland Report (1987).⁴⁹ It includes environmental, social and economic dimensions. There's a built-in tension of the “grow-the-economy-versus- conserve -the-environment” variety in *sustaino-land* as well. Corporations as engines of growth tend to jeopardise sustenance⁵⁰ through, depletion⁵¹ of resources Pollution and Discharges⁵², displacement of indigenous populations⁵³, absent believable environmental boundaries, “sustainability” can all too

49 World Commission on Environment and Development (WCED), *Our Common Future* (Oxford University Press, 1987).

50 H.E. Daly, “Toward Some Operational Principles of Sustainable Development,” 2(1) *Ecological Economics* 1 (1990).

51 United Nations Environment Programme (UNEP), *Global Resources Outlook 2019: Natural Resources for the Future We Want* (United Nations, 2019), available at <https://www.unep.org/resources/report/global-resources-outlook-2019> (last visited Feb. 20, 2026).

52 Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Mitigation of Climate Change* (Cambridge University Press, 2022), available at <https://www.ipcc.ch/report/ar6-wg3/> (last visited October 31, 2025).

53 United Nations Department of Economic and Social Affairs (UNDESA), *State of the World's Indigenous Peoples: Rights to Lands, Territories and Resources* (United Nations, 2018), available at <https://www.un.org/development/desa/indigenouspeoples/publications> (last visited Nov.1, 2025).

easily become an aspirational term rather than a transformation challenge.⁵⁴

6. The Case for Recognizing Ecocide in International Law

To define ecocide as a crime would mean the international community could have more of a legal ‘stick’ to threaten, those behaviours which are out of balance with our planetary health. However, to make ecocide a crime at international level is difficult. Ecocide is taken to be related to the concept of genocide.⁵⁵ When looking at the definition of peace, it seems that ecocide and genocide can be interpreted as crimes against peace. A key difference between the two is that genocide has a mind-world relation in it.⁵⁶

7.1 Strengthening Environmental Protection

7.1.1 Including ecocide in the Rome Statute would

- (a) Stop significant environmental damage⁵⁷
- (b) Change the rules on how to preserve the environment⁵⁸
- (c) Give communities that are harmed the ability to take legal action⁵⁹

7.1.2 Holding Corporations and Leaders Accountable

If ecocide were made a crime, CEOs, corporate boards, and political leaders might be held accountable for choices that cause environmental damage, which would increase personal responsibility and moral hazard.⁶⁰

54 M. Redclift, “Sustainable Development (1987–2005): An Oxymoron Comes of Age,” 13(4) *Sustainable Development* 212 (2005).

55 Rome Statute of the International Criminal Court, July 1, 2002, art. 6.

56 Convention on the Prevention and Punishment of the Crime of Genocide, Dec. 9, 1948, 78 U.N.T.S. 277.

57 Stop Ecocide Foundation, *Proposed Legal Definition of Ecocide* (Independent Expert Panel for the Legal Definition of Ecocide, 2021), available at <https://www.stopecocide.earth/legal-definition> (last visited Nov. 1, 2025).

58 *Supra* Note 1.

59 United Nations Environment Programme (UNEP), *Environmental Justice and Human Rights: Empowering Communities through Environmental Law* (United Nations, 2022), available at <https://www.unep.org> (last visited Nov. 2, 2025).

60 *Supra* Note 1.

7.1.3 Towards Binding Corporate Sustainability and Environmental Justice

Grassroots movements, native peoples and climate activists have been instrumental in revealing ecological injustice and demanding corporate accountability. International mechanisms such as the UN Global Compact, OECD Guidelines and proposed Ecocide Law offer initiatives with legal frameworks that rely upon more than voluntary participation. Channelling investment away from destructive industries and into sustainable businesses has the potential to teach companies a sustainability lesson — but only if combined with fierce oversight.

8. Climate Financing under United Nations Framework Convention on Climate Change (UNFCCC)

Climate finance is increasingly being regarded as a core component of international climate policy under the UNFCCC designed to address both adaptation and mitigation activities, in particular to that of vulnerable developing country who are exposed to the impact of climate change.⁶¹ The 1992 Convention places a CBDR obligation on developed countries to facilitate financial and technological transfer to developing countries for combating climate change.⁶² This vision is given life by a relatively new body, the Green Climate Fund (GCF), set up under the Cancun Agreement of Parties in 2010, or COP16, which seeks to direct both public and private finance into low emission and climate resilient development.⁶³

The funding to these commitments are also lagging far behind; as such, having an efficient release of the committed funds raised other more immediate concerns on transparency and access to and equitable sharing,

61 United Nations Framework Convention on Climate Change, May 9, 1992, 1771 U.N.T.S. 107.

62 D. Bodansky, “The Legal Character of the Paris Agreement,” 25(2) *Review of European, Comparative & International Environmental Law* 142 (2016).

63 Green Climate Fund (GCF), “About the Green Climate Fund,” available at <https://www.greenclimate.fund> (last visited November 2, 2025).

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

use of those funds.⁶⁴ The Paris Agreement (2015) confirmed this role of climate finance and urged the developed world to mobilize USD 100 billion annually until 2025, so as to incentivize the developing Global South in climate action.⁶⁵ As a result, the importance of accountability, equitable access and sustainable funding in the UNFCCC mechanism remains crucial to achieving global climate justice and sustainable development.⁶⁶

9. Findings

i. Ecocide, besides causing destruction of the environment, leads to an increase in poverty, social conflicts, environmental crises related to human health, and human rights abuses, making sustainability impossible without protecting the environment.

ii. It is evident from the research that MNCs, especially in the extractive, chemical, energy, or industrial industries, contribute remarkably to the issue of ecocide either by their profit-making strategies, poor environmental record, or exploitation of loopholes in regulations. This is despite their understanding that their practices produce long-term damage to the ecology.

iii. Current legal structures remain ineffective for dealing with ecocide caused by companies.

iv. International criminal law does not currently provide an adequate remedy for ecocide.

v. Recognition of Ecocide as an International Crime would enhance Environmental Protection.

64 United Nations Environment Programme (UNEP), *Adaptation Gap Report 2022: Too Little, Too Slow – Climate Adaptation Failure Puts World at Risk* (United Nations, 2022), available at <https://www.unep.org/resources/adaptation-gap-report-2022> (last visited November 2, 2025).

65 J.T. Roberts & R. Weikmans, “The International Climate Finance Landscape: Issues of Equity, Accountability, and Delivery,” 22(3) *Climate Policy* 277 (2022).

66 *Ibid.*

vi. Sustainable development would never be achieved without obligatory corporate responsibility

vii. It is clear from the research that classical approaches to compensation, with fines specified in monetary terms, are ineffective in the context of irrevocable damages to the environment.

viii. Climate finance delivery systems face challenges of accountability and implementation.

10.. Conclusion

So, ecocide, corporate responsibility, and sustainable development are all very closely related and interlinked. International law must change to protect the environment and make sure that people and future generations get justice. This includes:

- Recognizing ecocide as a crime
- Holding corporations accountable for environmental harm
- Redefining development priorities toward sustainability

These are described as urgent, necessary and paving the way for a liveable planet. On 23 July 2025, the International Court of Justice recognized that states have specific legally binding obligations to protect the environment, prevent harm and cooperate in addressing transboundary harm and offer compensation when damage is done. With international climate efforts stalled, ecocide has become a focal point of legal reform as a means to impose accountability. A central question in the debate is how to apportion blame between inactive governments and companies taking advantage of loop holes in the law. Corporates are rarely held to account because they have elaborate international structures. If there are not better legal measures against them, it is doubtful we will reach the climate goals. International criminalisation of ecocide could provide an important mechanism for holding individual states and corporations liable for environmental damage. The draft ecocide law model calls for a modification to the Rome Statute which would allow the ICC to prosecute for those responsibly for unlawful or wanton acts committed with

Ecocide, Corporate Accountability and Sustainability: A Critical Analysis

knowledge that there is a substantial likelihood of severe and either widespread or long-term environmental damage.

11.1 Suggestions and Way Forward

With the world community already having accepted that certain ‘imaginable’ obstacles such as scarcity of resources and inconsistent enforcement are not really insurmountable challenges, it is proposed that by recognizing ecocide in the Rome Statute, a workable legal context is established to harmonise ‘state responsibilities’, ‘corporate conduct’ and ‘victim rights’. It also suggests tangible metrics, including rates of prosecution, legislative changes, money be allocated for restoration and for measuring the amendment’s success. Developed Countries are stated to act and mobilise, contribute and disburse climate funds as highlighted by the international mechanism of climate financing under UNFCCC. It is a paradigmatic shift which our Courts at home and abroad need to make; from compensatory jurisprudence to prohibitive and punitive jurisprudence.’

It is pertinent to note that by including ecocide under Article 5 of the Rome Statute, a critical void in international law could be filled and a clear legal catalyst be established for environmental responsibility. In describing most of the sources, the proposal specifies ‘three principal systemic effects’:

a. *Justiciable Obligation of Prevention* - By placing ecocide within the realm of the Rome Statute complementarity provisions (Articles 17–19), soft-law norms-such as UNHRC Resolution 48/13 and core ICESCR articles-would translate into hard legal obligations. States would have to take affirmative steps to prevent environmental harm.

b. *Corporate Responsibility* - On the basis of Articles like 25(3)(c)–(d), 28, and 21(1)(c) of Rome Statute, which could give rise to an indictment of corporate leaders who close their eyes to a high risk of environmental destructions, it would be possible now to pierce the legal cover that has been built up for top-corporation-juntas.

c. *Victim-Driven Justice and Compensation* - Victims would have a right to bring claims on the floor of is Judiciary” under articles 53(3)(b)

of the Rome Statute, with reparations couched in terms of ecosystem restoration to which regional courts could give repeated effect through issue-preclusion mechanisms.