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The Concept of Ecocide in the South Caucasus and the Limits of International Law

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ABSTRACT

Considering the exceptional biodiversity of the South Caucasus, it is recognised as one of the World's most environmentally significant regions. However, the ecosystem of this region is threatened by pollution, deforestation, water scarcity, biodiversity loss and climate change. Each of these problems shares common transnational characteristics. In addition to the peacetime environmental problems, armed conflicts have also contributed to the ecological degradation of this region. Military activities, landmines, intentional fires, contamination of water and soil, as well as other activities have intensified environmental degradation in this region.

In this article, those challenges are examined from an international law perspective. It analyses how different fields of international law address the severe environmental damage, including international criminal law, international environmental law, international humanitarian law and human rights law. Specifically, it focuses on the concept of ecocide and its potential recognition as an international crime.

A comparative analysis of three South Caucasus states demonstrates that they have criminalised ecocide in their domestic criminal law. Article 104-1 of the Criminal Code of Azerbaijan, Article 394 of the Criminal Code of Armenia, and Article 409 of the Criminal Code of Georgia define ecocide as acts that cause severe environmental destruction. These developments reflect the alignment between national legislation and international legal focus.

This study argues that the domestic criminalisation of ecocide, on its own, remains insufficient, requiring international mechanisms to prevent and punish severe environmental damage. In this

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regard, several factors limit the effectiveness of international law in this area. These include the absence of a universally accepted definition of ecocide, limited jurisdiction of the ICC, high damage thresholds, anthropocentric focus and other challenges. The South Caucasus serves as a key case for understanding how international law can evolve.

ეკოციდის კონცეფცია სამხრეთ კავკასიაში და საერთაშორისო სამართლის ფარგლები

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შეიარაღებული კონფლიქტი და გარემო

აბსტრაქტი

სამხრეთ კავკასიის განსაკუთრებული ბიომრავალფეროვნების გათვალისწინებით, იგი აღიარებულია მსოფლიოში ერთ-ერთ ყველაზე ეკოლოგიურად მნიშვნელოვან რეგიონად. თუმცა, ამ რეგიონის ეკოსისტემას საფრთხეს უქმნის დაბინძურება, ტყეების გაჩეხვა, წყლის დეფიციტი, ბიომრავალფეროვნების დაკარგვა და კლიმატის ცვლილება. თითოეულ ამ პრობლემას საერთო ტრანსნაციონალური მახასიათებლები აქვს. მშვიდობიანი პერიოდის გარემოსდაცვითი პრობლემების გარდა, შეიარაღებულმა კონფლიქტებმაც შეუწყო ხელი ამ რეგიონის ეკოლოგიურ დეგრადაციას. სამხედრო მოქმედებებმა, ნაღმებმა, განზრახ ხანძრებმა, წყლისა და ნიადაგის დაბინძურებამ, ასევე სხვა აქტივობებმა, გაამწვავა გარემოს დეგრადაცია ამ რეგიონში.

ამ სტატიაში ეს გამოწვევები განხილულია საერთაშორისო სამართლის პერსპექტივიდან. იგი აანალიზებს, თუ როგორ უმკლავდება საერთაშორისო სამართლის სხვადასხვა დარგი გარემოსდაცვით სერიოზულ ზიანს, მათ შორის საერთაშორისო სისხლის სამართალი, საერთაშორისო გარემოსდაცვითი სამართალი, საერთაშორისო ჰუმანიტარული სამართალი და ადამიანის უფლებათა სამართალი. კერძოდ, იგი ფოკუსირებულია ეკოციდის კონცეფციაზე და მის პოტენციურ საერთაშორისო დანაშაულად აღიარებაზე.

სამხრეთ კავკასიის სამი სახელმწიფოს შედარებითი ანალიზი აჩვენებს, რომ მათ შიდა სისხლის სამართლის კანონმდებლობაში ეკოციდი კრიმინალიზებულად აქციეს. აზერბაიჯანის სისხლის სამართლის კოდექსის 104-1 მუხლი, სომხეთის სისხლის სამართლის კოდექსის 394-ე მუხლი და საქართველოს სისხლის სამართლის კოდექსის 409-ე მუხლი ეკოციდს განსაზღვრავს, როგორც ისეთ ქმედებებს, რომლებიც გარემოს მძიმე ნგრევას იწვევს. ეს მოვლენები ასახავს ეროვნული კანონმდებლობისა და საერთაშორისო სამართლებრივ ფოკუსს შორის შესაბამისობას.

ეს კვლევა ამტკიცებს, რომ ეკოციდის შიდა კრიმინალიზაცია, თავისთავად, არასაკმარისია და მოითხოვს საერთაშორისო მექანიზმებს გარემოს მძიმე ზიანის თავიდან ასაცილებლად და დასასჯელად. ამ მხრივ, ამ სფეროში

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საერთაშორისო სამართლის ეფექტურობას რამდენიმე ფაქტორი ზღუდავს. ესენია ეკოციდის უნივერსალურად აღიარებული განმარტების არარსებობა, სისხლის სამართლის საერთაშორისო სასამართლოს შეზღუდული იურისდიქცია, ზიანის მაღალი ზღვრები, ანთროპოცენტრული ფოკუსი და სხვა გამოწვევები. სამხრეთ კავკასია წარმოადგენს მთავარ მაგალითს იმის გასაგებად, თუ როგორ შეიძლება განვითარდეს საერთაშორისო სამართალი.

1. Introduction

The rich nature of the South Caucasus characterises this region as one of the world's precious ecosystems. However, this region is threatened by several environmental challenges including pollution, deforestation, water scarcity, biodiversity loss and climate change. These challenges possess a transnational character, requiring legal and institutional responses beyond national borders. In addition to peacetime environmental problems, armed conflicts have further intensified ecological degradation in the region through military activities, landmines, intentional fires and the contamination of water and soil resources. Especially the 2008 Russian-Georgian war, as well as the occupation of the Karabakh zone and the following 2020 war, contributed to the environmental damage in the South Caucasus.

The findings of the research papers note the severity of the environmental damage caused by armed conflicts and occupation in the South Caucasus region. Those findings also raise questions about the adequacy of existing international legal frameworks. In this context, this article examines these challenges from the perspective of international law. It analyses how international criminal law, international environmental law, international humanitarian law and human rights law address the concept of ecocide and its potential recognition as an international crime. The study further explores the domestic legislation of the South Caucasus states through a comparative analysis of Azerbaijan, Armenia and Georgia. Although all three states have criminalised ecocide in their domestic legal systems, this article argues that domestic criminalisation alone remains insufficient without effective international mechanisms capable of preventing and punishing severe environmental harm.

2. Literature Review

Existing literature identifies the key environmental challenges that the South Caucasus faces. A UNEP report (2024) highlights the rapid urbanisation, climate change, pollution, water stress and biodiversity risks as the region's environmental challenges. Among those challenges, water security is considered one of the most critical ecological problems for this region. The Kura Aras River Basin faces shared transboundary problems, including poor water management, heavy pollution and fragmented governance. Researchers suggest creating a formal joint institution so the countries along the river can manage water resources together in a more coordinated and sustainable way (Suleymanov, 2024). This finding also notes the difficulty of achieving coordinated environmental regulation in fragmented regions. Similarly, the Aras River faces serious sustainability problems due to pollution, unilateral dam building and climate change, worsened by the lack of a multilateral legal framework among the riparian states (Van Dreven, 2025). The mentioned findings demonstrate the gap in addressing shared natural

resources. It is also supported by research that mentions weak enforcement and institutions, as well as limited capacity to address environmental problems, especially in Georgia and Armenia (Martus, 2024). Moreover, recent studies show that frequent natural disasters and water shortages make it urgent for governments to cooperate on climate protection and develop better regional strategies (Ivkovic, 2025; Weiss, 2024).

The literature further demonstrates that armed conflicts have significantly contributed to environmental degradation in the region. The environmental harm caused by the 2008 Russian-Georgian war is documented, including forest fires, significant oil spills, pollution and the contamination of lands by unexploded weaponry (Caucasus Institute for Peace, Democracy and Development, 2008; ILPI, 2014). In addition, the occupation of the Karabakh zone and the following 2020 war also contributed to the environmental damage in the South Caucasus. According to academic research, the ecological harm caused by the 2020 war includes soil and water contamination, forest destruction, land degradation, and threats to biodiversity (Palmqvist, 2023; Akhundov, 2024). These findings are also supported by UNEP's post-conflict environmental assessment mission (2022). The report documented land degradation, the collapse of agricultural systems, the destruction of water management and irrigation networks, deforestation, and transboundary river pollution. Moreover, research by Mustafayeva (2023) mentioned that the environmental damage resulting from nearly three decades of occupation and the 2020 war in Azerbaijan's formerly occupied Karabakh territories includes widespread deforestation, deliberate arson, biodiversity loss, river pollution, soil contamination, illegal resource exploitation and the destruction of ancient forests alongside the continuing hazard of landmines (Mustafayeva, 2023). These findings raise important questions about the adequacy of international legal mechanisms to address severe environmental harm during and after conflicts.

Recent legal scholarship increasingly focuses on ecocide and its possible recognition as a fifth international crime. Existing studies analyse the issue from the perspectives of international criminal law, international humanitarian law, international environmental law and human rights law. Within international criminal law, scholars have identified several conceptual and practical challenges. A study by Nyka (2023), identified 3 existing challenges within international criminal law: the absence of a universally accepted definition, the limited jurisdiction of the International Criminal Court (ICC) and past failures in codification. It concludes that these limits necessitate a stronger integration of environmental protection into international criminal law. Another study (Killean & Short, 2023) argues that recognizing ecocide as a fifth international crime would require addressing issues of *"mens rea"* and proportionality, as well as overcoming resistance from powerful states. It further warns that without extending the jurisdiction of the ICC to include legal persons and non-human victims, such a framework may not ensure accountability for ecocide. Similarly, a study by Minkova (2023) identifies key challenges as reliance on a cost-benefit approach, interpretative challenges arising from criminal intent *(mens rea)*, absence of peacetime jurisdiction and corporate liability, as well as resistance from states to adopt laws that may conflict with their economic and sovereign interests. Further research by Çomak and Ta□l□cal□ Koç (2026) supported those findings, mentioning that, despite the growing number of countries *(including Azerbaijan, Armenia and Georgia)* adopting ecocide crime within their domestic legal systems, its international criminalization remains limited by the lack of universal recognition of the ICC, the limitation of wartime contexts under the Rome Statute and the absence of an accepted definition.

Moreover, according to Skocze & Pirker (2025), key challenges include the influence of anthropocentrism and short-term decision-making, which often cause policymakers to prioritise immediate socio-economic benefits over long-term environmental protection. As the academic legal literature suggests, several challenges remain in recognition of ecocide as a fifth international crime.

Apart from international criminal law, further research by Ignacio de la Rasilla and Jorge E. Viñuales (2024) argues that international environmental law has traditionally been based on the concept of sustainable development, which seeks to balance environmental protection with socio-economic interests. In this regard, this "balancing" is a challenge because criminal law usually requires absolute prohibitions. A related study by Kamrul Hossain (2024) proposes that international lawyers, activists and green criminologists should collaborate to establish ecocide as a distinct international crime by adopting an ecocentric framework that expands the concept of victimhood to include non-human entities and future generations. According to Sziebig (2024), a challenge of a human rights approach to ecocide is the contradiction between an anthropocentric focus on humanity and an ecocentric view of nature as a victim in its own right. Additionally, the International Committee of the Red Cross (2020) mentioned that, from an international humanitarian law perspective, the primary challenge is the high threshold of *"widespread, long-term and severe"* damage required to trigger an absolute prohibition. The review of the legal literature indicates that the limitations on the nature of ecocide are not limited to international criminal law but are also present in other relevant fields of international law.

3. Materials and Methods

The main thesis of this study argues that despite the domestic criminalistion of ecocide in the South Caucasus, the existing international legal frameworks remain insufficient to address the severe environmental damage. To examine this thesis, this study employs a combination of doctrinal and comparative legal analyses.

The comparative legal analysis focuses on the three states of the South Caucasus. This scope is limited to Azerbaijan, Armenia and Georgia, as they share a common regional context, while remaining as distinct legal systems. This allows for a focused examination of how ecocide is criminalized at the domestic level within a shared geopolitical and environmental situation.

The primary sources of this research include national criminal legislation of Azerbaijan, Armenia and Georgia, international legal instruments (including treaties, conventions and the Rome Statute of the International Criminal Court), as well as relevant soft law documents and institutional reports. Secondary sources include academic literature on international environmental law, international humanitarian law, international criminal law, human rights law and the emerging concept of ecocide, as well as policy reports and environmental assessments relating to the South Caucasus region.

The study admits potential limitations in accessing the most recent versions or official translations of national legal acts.

4. Results and Discussion

4.1. Examination of international legal instruments

Punishing severe environmental harm as a fifth international crime is currently the focus of academic legal research. Analysis of this concept gains significant importance in the context of the South Caucasus. As the previous section described environmental vulnerability and post-conflict environmental damage, the limitations of international law directly affect this region.

The analysis of ecocide within the international law framework includes 4 fields of international law:

- International criminal law;
- International humanitarian law;
- International environmental law;
- Human rights law.

The findings analysed in the previous sections demonstrate that several limitations continue to restrict the effectiveness of international legal protection against severe environmental harm. These include the absence of a universally accepted definition of ecocide, the limited jurisdiction of the ICC, high thresholds of environmental damage and the persistence of anthropocentric approaches within international law.

Given international legal limitations, the role of domestic legal systems is vital in addressing severe environmental harm. In this regard, the South Caucasus states provide an important case for examining how ecocide has been incorporated into national criminal legislation despite the absence of a universally recognized international framework. The following section therefore examines the domestic legal approaches of Azerbaijan, Armenia and Georgia, focusing on how ecocide is defined and regulated at the national level.

4.2. Analysis of domestic legislation

Considering Considering limitations identified in international law, the domestic criminal legislation of South Caucasus states becomes crucial. They provide an important point in analysing how ecocide is criminalised in the domestic legal system. Despite international law lacking a universally accepted definition of ecocide, Azerbaijan, Armenia and Georgia have each criminalized severe environmental harm within their criminal codes. This section examines these legal frameworks comparatively.

All three states formally recognize ecocide as a criminal offence. Article 104-1 of the Criminal Code of Azerbaijan, Article 394 of the Criminal Code of Armenia and Article 409 of the Criminal Code of Georgia define ecocide in similar terms, referring to acts such as the contamination of the atmosphere, soil or water resources, the mass destruction of flora and fauna or other conduct capable of causing an ecological disaster. Under Article 104-1 of the Criminal Code of Azerbaijan, ecocide is established as a criminal offence encompassing intentional mass destruction of plant or animal life, poisoning of atmospheric, soil, or water resources, or other ecologically damaging acts resulting in or threatening ecological catastrophe, punishable by a sentence of 10 to 15 years of deprivation of liberty. Armenia's Criminal Code Article 394 criminalizes ecocide, defined as the mass destruction of flora and fauna,

poisoning of atmospheric, soil, or water resources, or other environmentally harmful acts that have resulted in ecological disaster, with a prescribed sentence of 10 to 15 years of imprisonment. Furthermore, Article 409 of the Georgian Criminal Code defines ecocide as the contamination of the atmosphere, soil or water resources, mass destruction of fauna or flora, or any other environmentally harmful act capable of causing an ecological disaster, punishable by 12 to 20 years of imprisonment, with an aggravated penalty of 14 to 20 years or life imprisonment when committed during armed conflict.

A central feature of these domestic definitions is their emphasis on the consequence of "ecological disaster". This reflects a high threshold of harm, comparable in some respects to the "widespread, long-term and severe" standard found in international humanitarian law. However, such high thresholds may significantly limit the practical applicability of these provisions, as many forms of serious environmental degradation may not meet the required level of intensity or scale. Nevertheless, ecocide is not the only environmental violation that meets criminal responsibility. Chapter 28 of the Criminal Code of Azerbaijan, Chapter 27 of the Criminal Code of Armenia and Chapter 36 of the Criminal Code of Georgia establish criminal responsibility for other environmental violations. But ecocide is charachterized as a crime against peace and the security of mankind, rather than standard environmental violations. A study has shown that, under Russian criminal law, ecocide is distinguished from general environmental crimes by its classification as an offence against the peace and security of mankind, which is a higher order category that effectively encompasses general environmental protection interests and requires that such conduct be prosecuted specifically as ecocide (Grechenkova et al., 2015).

Overall, the comparative analysis reveals that Azerbaijan, Armenia and Georgia have revised their criminal legislation by criminalising ecocide in their criminal codes. However, domestic criminalisation alone is not sufficient, as it requires further international mechanisms. Another comparative legal review (Wei et al., 2025) finds that although the criminalisation of ecocide is emerging as an important response to environmental harm across regions, its international recognition is limited by variations in legal definitions and political obstacles to amending the Rome Statute. It further highlights the difficulty of establishing effective corporate and state accountability mechanisms.

Despite these limits, there are signs of meaningful progress. A study by Killean (2025) highlights that, influenced by a shared legal tradition and the legacy of the Chernobyl disaster, several post-Soviet states codified ecocide as a crime against the peace and security of mankind. This legal approach has recently been invoked as Ukraine investigates wartime environmental harm, including the 2023 destruction of the Kakhovka Dam. Given their similar post-Soviet legal heritage, this development provides important insight for Azerbaijan, Armenia and Georgia.

Growing legal focus on ecocide is supported by another paper which argues that since 2021 there has been growing global consensus on defining and criminalizing ecocide while national and regional laws still differ in how they interpret and apply those elements (Zhang and Mackintosh, 2025). In the South Caucasus, this difference is reflected in the differing penalty thresholds and scope of ecocide provisions across the three states, as analysed above.

Considering all the above, domestic criminalisation of ecocide, especially in the South Caucasus region, is characterised as a major legal development. However, to ensure effective protection against severe

environmental damage, international legal mechanisms are necessary. The analysis above found that critical challenges remain in international law regarding the concept of ecocide. Without solving those challenges, domestic criminalization alone will remain an incomplete response to large-scale ecological destruction.

Examining together, the two parts of the analysis demonstrate key differences regarding the criminalization of ecocide in both the international and domestic legal systems. At the international level, the concept of ecocide is limited by the lack of a universally accepted definition, the limited jurisdiction of the ICC, high damage thresholds, and anthropocentric approaches. While international criminal law, international humanitarian law, international environmental law and human rights law provide different mechanisms for addressing environmental destruction, none currently offers a comprehensive and universally applicable framework for prosecuting ecocide as an autonomous international crime. At the domestic level, Azerbaijan, Armenia and Georgia have established ecocide as a distinct crime. Considering the region's history marked by armed conflicts and shared natural resources, domestic criminalisation of ecocide marks an important point. However, the transboundary nature of environmental damage further demonstrates that criminalisation at the national level cannot independently address all aspects of ecological destruction. this regard, improving the effectiveness of ecocide legislation requires more than the formal establishment of criminal liability. It also necessitates stronger investigation mechanisms, reliable scientific assessment of environmental damage, effective enforcement of domestic criminal provisions and cooperation in addressing transnational environmental consequences. Furthermore, the recognition of ecocide as a separate international crime can contribute to addressing existing accountability gaps, particularly where the scale and consequences of environmental destruction exceed the threshold of ordinary environmental law enforcement. Therefore, the South Caucasus provides an important regional context for understanding why the development of ecocide legislation should progress simultaneously at domestic and international levels.

In this context, the development of regional mechanisms for environmental protection and accountability deserves particular attention. The limitations of international law discussed above suggest that regional mechanisms may be a realistic intermediate step. Universal recognition of ecocide, whether through an amendment to the Rome Statute or otherwise, depends on political consensus that has so far been difficult to achieve. Regional cooperation can be developed among a smaller group of states that share the same ecosystems and face the same risks. This is especially relevant for the South Caucasus. Regional mechanisms could therefore complement domestic criminalisation while the international framework remains incomplete, rather than replace the need for international reform. A regional mechanism could perform several functions that domestic law fails. It could provide for joint monitoring and data sharing on transnational pollution, create procedures for notification and consultation in the event of environmental emergencies and support the harmonisation of domestic provisions.

5. Conclusion

This study revealed the gap between the legal actions towards ecocide in domestic and international legal systems. Despite the growing normative development in the South Caucasus, international legal instruments remain insufficient. The absence of a universally accepted definition of ecocide, limited

jurisdiction of the ICC, high damage thresholds, anthropocentric focus, and other challenges hinder the effectiveness of international law.

At the domestic level, the incorporation of ecocide into the criminal legislation of Azerbaijan, Armenia and Georgia is characterised as a significant normative development. The central argument of this study concludes that domestic criminalization, while necessary, remains insufficient without effective international mechanisms. The transboundary nature of environmental degradation in the region makes this clear. Regional mechanisms among the South Caucasus states can therefore complement domestic criminalisation until a universally accepted international framework is established.

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