

International Legal Responses to Environmental Destruction: Ecocide, Environmental Rights and Wildlife Crime

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Abstract

The main aim of this study is to analyse the key international legal instruments relevant to current environmental challenges. International Environmental Law (IEL) has recently become a crucial segment of legislation, and although thousands of legislative acts target ecological issues, the success of such instruments is often questioned in practice and in the literature. This article focuses on environmental issues that are particularly alarming today, including human-induced biodiversity loss and wildlife crime. A wave of new legislation on environmental protection through criminal law at national, regional, and international levels has been adopted, raising the question of how Member States of the European Union will transpose the new Environmental Crime Directive. As a result, the study emphasises that, despite the growing number of environmental law instruments, harmonisation remains needed, and that national transposition of international instruments is critical. Another implication is that new trends, such as the rise of environmental rights and standalone ecocide legislation, are strongly influencing IEL literature and legislation. Meanwhile, although the developments seem recent, the theoretical foundations of these legal concepts have long been discussed. The article applies traditional legal research methods, including systematic doctrinal research and critical analysis of relevant academic literature and international law instruments. The article's main question is whether current legal developments are sufficient to address the challenges posed by ecological despair.

Keywords: international environmental law, biodiversity, ecocide, environmental rights, criminal law, wildlife crime, Environmental Crime Directive.

JEL Classification: K14, K32, K33, K38

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1. Introduction

In the last couple of years, the adverse effects of climate change have become inevitable for all of us. Record-high temperatures, more frequent tropical nights in

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summer, severe droughts in Europe, extremely low river water levels, and energy supply problems have emphasised the challenges posed by human-induced climate change.² Moreover, Europe has faced changing weather patterns that have significantly influenced traditional agricultural practices and crop yields.³ For many years, environmentalism has appeared in political terminology, but more recently, the serious consequences of the global ecological crisis have pushed green thinking toward the highest levels of decision-making.⁴

1.1. Research Concept and Applied Research Methods, Main Results of the Study

The key research question of this article is whether current legal developments are sufficient to address the challenges posed by ecological despair, and which international law instruments are adopted to address environmental crime and wildlife crime. The article focuses on recent developments, particularly from 2024, including the adoption of the new Environmental Crime Directive in the European Union. An increasing number of analyses are now being published on climate change and the ecological challenges of our age. At the same time, this study approaches these issues from a broader perspective, namely the need for new international treaties. Although thousands of international agreements have been concluded in environmental law to date, the need to adopt further conventions is increasingly being questioned because of failures to implement these instruments or shortcomings in their enforcement. In terms of scope, I focus primarily on treaty sources and the law of the European Union, while setting aside ‘soft law’ and environmental law principles, which are also of paramount importance in international environmental law. The research focuses on the human-induced decline in biodiversity from the perspective of wildlife crime, as well as on protecting the environment through criminal law and the growing attention to environmental rights. The research also addresses ecocide legislation and recent judgements on environmental rights. The significance of these topics lies in the fact that, in the areas mentioned, new legislation has recently been adopted, or these issues are gaining increasing importance from a legislative or legal-practice perspective. In my research, I used descriptive/prescriptive doctrinal legal research, “*which attempts to analyse, categorise and systematically present what legal sources have to say on a given issue, including any identifiable gaps*”.⁵ My research methods included systematic

² Orsolya Johanna Sziebig, “The Challenges of the Eastern European States in Building Climate Resilience and Green Democracies—Tendencies and New Happenings,” *European Review of Public Law* 35, no. 1 (2023): 49–73, <https://eplopublications.eu/publication/challenges-eastern-european-states-build-ing-climate-resilience-and-green-democracies>.

³ Jon Henley et al., “European Farmers Face ‘Unprecedented Crisis’ after Successive Heatwaves,” *The Guardian*, August 17, 2026, <https://www.theguardian.com/environment/2026/aug/17/european-farmers-unprecedented-crisis-successive-heatwaves>.

⁴ Jedediah Purdy, “The Politics of Nature: Climate Change, Environmental Law, and Democracy,” *Yale Law Journal* 119, no. 6 (2010): 1122–1209, <https://yalelawjournal.org/article/the-politics-of-nature-climate-change-environmental-law-and-democracy>.

⁵ Stefan Theil, “Carefully Tailored: Doctrinal Methods and Empirical Contributions,” *Oxford Journal of*

doctrinal and critical analysis of relevant academic literature. Moreover, I wanted to establish internal connections among different segments of international environmental law. Over the last decade, I have researched wildlife crime, ecocide, and environmental rights intensively.⁶ This article builds on previous work but specifically evaluates recent developments in “*hard law*”, including new international conventions and EU legislation. Earlier, I focused on systematic analyses, establishing structural definitions and identifying relevant legal sources and legislative gaps. In this regard, I found it particularly interesting to connect ecocide with the human rights approach, as well as with wildlife crime.⁷ This research is novel in that it brings together three distinct but coherent areas of international environmental law through the lens of effectiveness and achievement and draws on the most recent academic literature.

The crucial finding of this article is that, despite the adoption of numerous international agreements on global environmental issues, we cannot speak of effective implementation without full enforcement. This conclusion is particularly relevant in relation to wildlife crime. Furthermore, regarding the new convention adopted on the protection of the environment through criminal law, only speculation is possible at this stage, as implementation of relevant legal sources is still ongoing. Finally, some areas of environmental law, including environmental rights, lack specific legislation; still, legal practice can fill legislative gaps and provide somewhat effective protection of these rights.

1.2. Be or Not to Be – Supporting Arguments of International Environmental Agreements and the Changing Legislative Approaches

The role of public international law in regulating environmental matters is inevitable in the 21st century. Although international environmental law began developing in the early 20th century and became a core part of international law after the establishment of the United Nations, a significant percentage of international regulation today is environmentally related. Meanwhile, international organisations gained new power, as the accepted norms can have a huge domestic impact “*be it through regulation, deregulation, adjudication, administration or the dissemination of information*”.⁸ The “*world public opinion*” may be different on crucial issues, but

Legal Studies 45, no. 4 (2025): 1052, <https://doi.org/10.1093/ojls/gqaf029>.

⁶ The author’s previous publications are cited in the following sections, with reference to earlier definitions and findings.

⁷ Orsolya Johanna Sziebig, “Why Is Implementing the UNTOC Essential to Combat Environmental Crime?,” in *II. Ludovika International Law Enforcement Research Symposium Conference Proceedings*, ed. Orsolya Czenczer et al. (Hungarian Association of Police Science, 2024), 270–78, <https://rendeszet.uni-nke.hu/document/rendeszet-uni-nke-hu/LILERS%20Conference%20Proceedings%202024.pdf>; Orsolya Johanna Zsigmond-Sziebig, “Defeating the Unenforceability of Ecocide,” in *Frontiers of Environmental Law Enforcement*, ed. Mohamed Mliless et al. (Springer Nature Switzerland, 2026), 93–109, https://doi.org/10.1007/978-3-032-10205-8_8; Orsolya Johanna Sziebig, “The Crime of Ecocide through Human Rights Approach: The ‘Universal’ Right to a Healthy Environment as a Driving Force Calling for Ecocide Legislation,” *Acta Humana* 12, no. 2 (2024): 75–89, <https://doi.org/10.32566/ah.2024.2.5>.

⁸ Armin von Bogdandy et al., “From Public International to International Public Law: Translating World Public Opinion into International Public Authority,” *European Journal of International Law* 28, no. 1

“public authority should advance common interests”. In some areas, such as arbitration, finance and economics, the direct effect of international institutions is more evident than in other policy sectors, including environmental issues and climate change. Overall, the public, communities, and institutions define the public interests that may be subject to public regulation.⁹ The question is whether environmentalism constitutes a common interest. In light of new developments in public international law, two issues are considered common concerns of mankind: biodiversity loss and climate change. The resolution of the United Nations General Assembly, adopted in 1988, states that climate change “*is a common concern of mankind, since climate is an essential condition which sustains life on earth*”.¹⁰ Public concerns shape international treaties, as shown by conventions in which climate change has emerged as a global public interest. This wording appears in the 1992 United Nations Framework Convention on Climate Change and the Convention on Biological Diversity.¹¹ I would argue that the environment has become a common public interest, and international organisations are at the forefront of regulation, with a significant impact on domestic law. In this regard, the European Union holds a special place as a *sui generis* entity that began as economic cooperation but now legislates intensively in the environmental and energy sectors, and around 12-14 per cent of the full body of EU Law is environmentally related.¹² Regulation is also subjective, as legislation is often influenced by different views on how the legislator interprets humanity’s place in the created World and, more broadly, how the nature-human relationship is perceived. Environmentalism is also influenced by views and belief systems, as “*research has verified that people who hold to an integrative worldview are more featured with pro-environmental behaviour*.”¹³

To establish a new norm under public international law, at least two entities with legal personality – usually states – must agree that domestic law is not sufficient to regulate the matter. In international environmental law, the international community has agreed that certain areas require a global framework. A prime example is the Vienna Convention for the Protection of the Ozone Layer (1985) and the extensively amended Montreal Protocol (1987), which established one of the most successful international environmental treaty systems. In practice, consensus means that, primarily through international treaties, states have established certain common minimum requirements. Moreover, obligations undertaken under international law must be fulfilled in

(2017): 116, <https://doi.org/10.1093/ejil/chx002>.

⁹ von Bogdandy et al., “From Public International to International Public Law,” 117–39.

¹⁰ United Nations General Assembly, “Protection of Global Climate for Present and Future Generations of Mankind,” Resolution 43/53, December 6, 1988, preamble, <https://docs.un.org/en/A/RES/43/53>.

¹¹ Thomas Cottier et al., *The Principle of Common Concern and Climate Change*, Working Paper no. 2014/18 (World Trade Institute, June 2014), 17, https://www.wti.org/media/filer_public/0d/a9/0da93bab-02b6-49f3-a789-d8f4a0ab3982/cottier_et_al_common_concern_and_climate_change_archiv_final_0514.pdf.

¹² Gyula Bándi, “A környezeti szabályozás útja az európai integrációban, példákkal illusztrálva” [The path of environmental regulation in European integration, illustrated by examples], *Iustum Aequum Salutare* 14, no. 2 (2018): 121, <https://publikacio.ppke.hu/id/eprint/289/1/000990596.pdf>.

¹³ Orsolya Bányai, “The Theory of Worldviews from an Environmental Law Perspective,” *World Futures* 77, no. 8 (2021): 626, <https://doi.org/10.1080/02604027.2021.1929790>.

accordance with the principle of ‘*pacta sunt servanda*’. The question remains why states agree to a new international instrument. These arguments are parallel to the general role of public international law.

First and foremost, environmental pollution is transboundary and acknowledges no borders. In many cases, environmental pollution occurring in the territory of one state causes serious environmental damage in another. This realisation led to the adoption of international regulations concerning transboundary pollution and environmental damage, the precursors of which had already appeared in customary law. Secondly, it is pointless for a state to establish high environmental protection standards in its domestic law if environmental pollution from neighbouring states prevents it from achieving the desired results. Transboundary or shared environmental resources also have to be considered; indeed, numerous areas require protection, such as lakes, international rivers, and forests. These shared ecological areas also make it necessary to establish joint action and develop common rules.¹⁴ Finally, global environmental problems did not arise solely from pollution caused by a single state; rather, the international community as a whole, comprising every state, has contributed to the current situation. It is therefore the responsibility of every state to play its part in fulfilling the commitments adopted to preserve the environment and reverse negative changes. In this context, the principle of common but differentiated responsibility arises once again. According to this principle, as states have contributed to the emergence of environmental problems to varying degrees, they also bear different burdens in undertaking the obligations set out to reverse them – with regard to the specific situation and needs of developing states, including finance, technology transfer and capacity building. The realisation that individual countries have contributed to today’s environmental issues to varying degrees has often led to tensions between developing and developed countries during environmental negotiations.¹⁵

Environmental legislation has shifted from an anthropocentric (human-centred) to an ecocentric (earth-centred) approach. The former places humans at the top of the hierarchy and considers nature as an instrument or resource for human use. In general, anthropocentrism means that the environment has to be protected “*not for its own sake, but because of its value to humans – its importance for human health, economics, recreation, and so forth*”.¹⁶ The latter prioritises ecological balance and biodiversity, recognising that the ecosystem is a complex system; instruments designed to protect it must also implement regulations that account for ecological limits. Also, the ecocentric view considers humans as part of, not rulers of, the natural environment, acknowledging that the ecosystem is a web of different species and their natural habitats, all connected,

¹⁴ Sreenivasa Rao Pemmaraju, “Articles on Prevention of Transboundary Harm from Hazardous Activities,” *United Nations Audiovisual Library of International Law* (2023), 1–17, https://legal.un.org/avl/pdf/ha/apthha/apthha_e.pdf.

¹⁵ Abida Abdul Khaliq et al., “The Principle of Common but Differentiated Responsibilities (CBDR): The Future of Climate Justice,” *Advance Social Science Archive Journal* 4, no. 2 (2025): 2295–2307, <https://doi.org/10.5281/zenodo.17821510>.

¹⁶ Sara De Vido, “A Quest for an Eco-Centric Approach to International Law: The COVID-19 Pandemic as Game Changer,” *Jus Cogens* 3, no. 2 (2021): 107, <https://doi.org/10.1007/s42439-020-00031-0>.

and that if one element of this complex system fails, all the others will be harmed. This point of view also appeared in legislation, as new international treaties tried to consider the ecological limits. It is important to note that ecocentrism is not alien to environmental law, as the view has already appeared in the famous resolution of the UN General Assembly, “*World Charter on Nature*”, adopted in 1982.

Environmental regulation is exceptionally characterised by its interdisciplinary nature. In modern legal thought, it has become particularly characteristic for legal scholarship to extend beyond the boundaries of the social sciences in the traditional sense and to draw upon the fields of biology and the natural sciences. This is because, as previously outlined, effective environmental regulation can be formulated only on a scientific basis that takes ecological limits into account. In legal thinking, “*interdisciplinarity, which articulates temporary links between disciplines, transdisciplinarity brings with it a meta-disciplinary space of knowledge co-creation, in which methods, concepts and values are subject to reconfiguration through a constant dialogue between sciences, the arts, technology and human experience.*”¹⁷ Hopefully, these approaches will provide new ground for environmental legislation. Many believe that environmental law “*is not doing enough*” or even failed to reach the set goals and put an end to environmental despair. International environmental law provides many solutions, but without proper enforcement, legislation is not enough as it is. This interpretation also appeared in relation to the CITES treaty, as since its adoption in 1973, species extinction is still accelerating rapidly, and illegal wildlife trade has become one of the main sources of revenue for organised criminal groups. Overall, new legal and scholarly work has appeared, “*that recognises the limits of the established legal order (transnational environmental law, Earth systems law and global law); and scholarship that rethinks the relationship between human beings and the natural world (wild law, Earth jurisprudence, Indigenous scholarship and feminist and post-human approaches)*”.¹⁸

2. Discussion

In the following, I shall outline the instruments of environmental protection in relation to three areas of environmental law where both *anthropocentric* and *ecocentric* approaches are evident. In the field of environmental crimes, wildlife crime and ecocide, legislation has intensified. Environmental rights are gaining more attention, yet “*hard law*” remains lacking, and legal practice is trying to fill the legislative gaps. However, these areas of regulation also face shortcomings in implementation, as well as enforcement and ratification issues related to certain previously adopted conventions. An overview of the EU legal framework for the protection of the environment through

¹⁷ Cristina Elena Popa Tache et al., “Transdisciplinarity in Law: An Epistemological Necessity of the 21st Century,” in *A Transdisciplinary Legal Methodology Guide and Lexicon for Crisis Response* (Springer Nature Switzerland, 2025), 26, https://doi.org/10.1007/978-3-032-04653-6_2.

¹⁸ Emily Barritt, “The Drama of the Anthropocene: Despair and Hope in Legal Scholarship,” in *A Research Agenda for Environmental Law*, ed. Josephine van Zeben and Chris Hilson (Edward Elgar Publishing, 2025), 12, <https://doi.org/10.4337/9781035324408.00007>.

criminal law and a detailed examination of the innovations introduced by the new Directive go beyond the scope of this study. In summary, the legislative background to this issue dates to the early 2000s and, after several unsuccessful attempts, the first, much-criticised directive on the subject was adopted in 2008. As part of the European Green Deal, Member States adopted the new legislation in 2024 and were required to transpose it by May 2026. The new Environmental Crime Directive was adopted on 11 April 2024 and entered into force on 20 May 2024. It supports environmental protection through criminal law and replaces Directive 2008/99/EC.

2.1. The Protection of the Environment Through Criminal Law and Ecocide – International and Regional Legislative Developments

Nature is vulnerable, and a well-functioning legal framework is necessary to protect it from profit-oriented interests. As a result, the environment is often labelled as a “*silent victim*”. States must pursue effective means to protect the environment; regulation alone is not sufficient. In the European Union, the new Environmental Crime Directive is a promising step towards protecting the environment and remedying the shortcomings of the earlier 2008 legislation. The ECD’s “*holistic*” approach is promising, but the real results are yet to be seen.¹⁹ The concept of environmental offences is not new; nevertheless, it entails considerable uncertainty, as it generally relates to acts that are otherwise lawful and permitted when carried out in accordance with the law. Furthermore, environmental impact within authorised limits may be lawful, as in the case of a coal-fired power station operating in accordance with regulations. However, it must not be forgotten that even authorised environmental impact may significantly affect the environment and potentially amount to damage. In environmental offences, unlawfulness generally results from causing serious damage. In view of this, the field of ‘*green criminology*’ is beginning to gain ground, examining environmental offences in a complex manner and from an environmental perspective.²⁰ The question can also be raised as to when it is necessary to impose the harshest sanctions – criminal – in case of environmental harm. The *ultima ratio* nature of criminal law means that it is the ‘*last resort*’, the most severe sanction that can be imposed for violating a legal interest.²¹ Both international and EU law guide the answer to this question, as specific sources of law define the scope of conduct constituting a criminal offence. In this study, ecocide serves as an example: although no standalone ecocide convention exists, it is increasingly appearing in literature and as a legal phenomenon. In the most general sense, ecocide means the severe or widespread

¹⁹ Faustino Gudin, “EU Rule of Law Actors and the Environmental Crime Directive: Upholding the Law in a New Era of Ecological Challenges,” *ERA Forum* 25, no. 3 (2024): 340–50, <https://doi.org/10.1007/s12027-024-00809-5>.

²⁰ Rob White and Diane Heckenberg, *Green Criminology: An Introduction to the Study of Environmental Harm* (Routledge, 2014), <https://doi.org/10.4324/9780203096109>.

²¹ Krisztina Karsai, “Ultima Ratio and Subsidiarity in the European Criminal Law,” *Acta Universitatis Szegediensis: Forum: Acta Juridica et Politica* 3, no. 1 (2013): 53, https://acta.bibl.u-szeged.hu/37970/1/juridpol_forum_003_001.pdf.

damage to the environment, but an Independent Expert Panel also established a legal definition in 2021 as follows: “*unlawful or wanton acts committed with knowledge that there is a substantial likelihood of severe and either widespread or long-term damage to the environment being caused by those acts*”. The history of ecocide goes back to the 1970s and strongly resonates with environmental destruction at times of armed conflicts.²²

At the international level, efforts to establish a minimum set of environmental protection legislation through criminal law began in the late 1990s within the framework of the Council of Europe (CoE). Although the CoE has historically been an international organisation that guards human rights, democracy, and the rule of law, it has also played a prominent role in environmental and nature protection. The first Convention on the Protection of the Environment through Criminal Law was adopted in 1998.²³ Regrettably, after its adoption, barely more than a dozen states signed the agreement; without ratification, it never entered into force.²⁴ In contrast to the earlier convention’s failure, the CoE adopted a new treaty (CETS No. 228) on the same subject in 2025. Accepting the new instrument is a significant step, as, once it enters into force, it would be the first internationally recognised, legally binding convention to address a wide range of environmental crimes.²⁵ The Council of Europe Convention on the Protection of the Environment through Criminal Law (CETS No. 228) was opened for signature on 3 December 2025. Its entry into force requires ten ratifications, including at least eight by Council of Europe member States. Latvia became the first State to ratify the Convention on 17 September 2026. Nevertheless, the Convention has not yet entered into force, and its future effectiveness will depend on further ratifications and subsequent implementation by the Parties.²⁶ The new Convention is a significant element in the fight against environmental crime, emphasising states’ willingness to tackle ecological degradation and sanction perpetrators. The international treaty also refers to ecocide in its preamble and establishes a new category of crimes, the

²² Orsolya Johanna Zsigmond-Sziebig, *Ecocide—An Evolving Legislative Concept in the Light of Care for Creation* (L’Harmattan Publishing House and Pázmány Péter Catholic University, 2025), 84, <https://doi.org/10.56037/978-963-646-394-6>.

²³ Council of Europe, *Convention on the Protection of the Environment through Criminal Law*, November 4, 1998, E.T.S. No. 172, <https://rm.coe.int/168007f3f4>.

²⁴ Council of Europe, “Chart of Signatures and Ratifications of Treaty 172,” *Treaty Office*, accessed October 18, 2026, <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty-num=172>.

²⁵ Council of Europe, *Council of Europe Convention on the Protection of the Environment through Criminal Law*, December 3, 2025, C.E.T.S. No. 228, <https://rm.coe.int/48801f9d20>; Council of Europe, “Protection of the Environment through Criminal Law,” *Reykjavik Process and the Environment*, accessed October 18, 2026, <https://www.coe.int/en/web/reykjavik-process-and-the-environment/protection-of-the-environment-through-criminal-law>.

²⁶ Council of Europe, “Chart of Signatures and Ratifications of Treaty 228,” *Treaty Office*, accessed October 18, 2026, <https://www.coe.int/en/web/conventions/full-list?module=signatures-by-treaty&treaty-num=228>; Council of Europe, “Latvia Ratifies the Council of Europe Convention on the Protection of the Environment through Criminal Law,” *Reykjavik Process and the Environment*, September 17, 2026, <https://www.coe.int/en/web/reykjavik-process-and-the-environment/-/latvia-ratifies-the-council-of-europe-convention-on-the-protection-of-the-environment-through-criminal-law>.

“*particularly serious offence*”, encompassing intentional unlawful conduct that could lead to severe results and such offences may be comparable to “*ecocide*”.²⁷ At EU level, Directive 2024/1203/EU (2024 ECD) includes a comprehensive list of conduct to be established as criminal offences in Member States’ national legal orders; compared with the 2008 Directive (2008 ECD), it introduces new crimes, as well as “*qualified criminal offences*” involving conduct similar to ecocide. Current implementation data suggest that a significant proportion of Member States have not yet transposed the Directive into national law; where transposition has occurred, they have not adopted a stand-alone regulation on ecocide but have instead incorporated the more serious cases into the Criminal Code.²⁸ The following analyses some special features of the relevant instruments, with particular attention to the Environmental Crime Directive, and is divided into four main subchapters.

2.1.1. Analysis of Recent International and EU Law Legislation on Conduct Comparable to Ecocide

The differences between the conduct comparable to ecocide as defined by the CoE and the 2024 ECD are subtle. A common feature is that both instruments refer explicitly to ecocide only in the preamble and then use the term “*particularly serious offence*”²⁹ or “*qualified criminal offences*”³⁰, thereby identifying a category of offences comparable to ecocide. The interdependence of the two pieces of legislation is also indisputable, given that the European Union Law has been influenced by the earlier international convention (CETS 172) and the CoE Explanatory Report explicitly states that the drafters of CETS No. 228 took Directive (EU) 2024/1203 into account, and that the negotiations on the two instruments took place partly in parallel.³¹ The two concepts

²⁷ Council of Europe, *Convention*, C.E.T.S. No. 228, preamble. The preamble recalls, inter alia, Parliamentary Assembly Recommendation 2272 (2024), “Mainstreaming the human right to a safe, clean, healthy and sustainable environment with the Reykjavik process,” and recommendations calling for recognition of ecocide.

²⁸ European Union, “National Transposition Measures Communicated by the Member States Concerning Directive (EU) 2024/1203,” *EUR-Lex*, accessed October 18, 2026, <https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32024L1203>.

²⁹ Council of Europe, *Convention*, C.E.T.S. No. 228, art. 31. “Parties shall take the necessary legislative measures to establish as a particularly serious offence any of the offences established in accordance with this Convention, when committed intentionally, and when such an offence causes destruction or causes irreversible, widespread and substantial damage, or causes long-lasting, widespread and substantial damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water.”

³⁰ European Parliament and Council of the European Union, Directive (EU) 2024/1203 of April 11, 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, *Official Journal of the European Union* L, 2024/1203 (April 30, 2024), art. 3(3), <https://data.europa.eu/eli/dir/2024/1203/oj>. “Member States shall ensure that criminal offences relating to conduct listed in paragraph 2 constitute qualified criminal offences if such conduct causes: (a) the destruction of, or widespread and substantial damage which is either irreversible or long-lasting to, an ecosystem of considerable size or environmental value or a habitat within a protected site, or (b) widespread and substantial damage which is either irreversible or long-lasting to the quality of air, soil or water.”

³¹ Council of Europe, *Explanatory Report to the Council of Europe Convention on the Protection of the*

define substantially the same material threshold, and the definition proposed by the Independent Expert Panel for the Legal Definition of Ecocide – as previously outlined – is recognisable in both. From an editorial perspective, the ECD defines them in two separate sections; however, in terms of content, it lists the same qualitative terms: conduct causes either destruction or damage that is both widespread and substantial and is additionally either irreversible or long-lasting. Both formulations present ecocide regulation as a qualified offence, i.e., a more serious form of the basic offences. EU legislation is more specific, as it explicitly links qualified offences to the criminal offences defined in Article 3(2). For acts comparable to ecocide, the serious consequence forms part of the offence elements, while the legislation also defines specific aggravating circumstances. Both the CoE Convention (Article 36(1)(a)) and the Directive (Article 8) exclude the applicability of aggravating circumstances concerning environmental damage in the case of an “*act comparable to ecocide*”, given that the more serious consequence forms an integral part of the basic facts of the case. Regarding intent, the CoE Convention requires intent: “*intentional unlawful conduct*”, while the Directive punishes basic cases where conduct is “*unlawful and intentional*”, and the legislator does not include “*serious negligence*” in the section on aggravated offences. Article 31 of the CoE requires that the underlying offence be intentional, and intentionality applies to all elements of the offence. Under Article 3(1) of the 2024 ECD, the qualified offences referred to in paragraph 3 fall within the intentional category and serious negligence applies only to the underlying offences specified in Article 3(4).

2.1.2. *Mens Rea* in the Environmental Crime Directive

Mens rea as a subjective element of the crime is a crucial issue in criminal liability for environmental crimes. The Environmental Crime Directive clearly regulates *mens rea*, the blameworthy mental state accompanying the act. The Directive primarily requires intentional conduct for the offences listed in Article 3(2) and for the qualified criminal offences under Article 3(3). Serious negligence constitutes an alternative *mens rea* only for the specifically listed offences in Article 3(4), rather than applying generally to all environmental criminal offences. Moreover, the Directive leaves the interpretation of “*serious negligence*” to national law, considering relevant case law of the Court of Justice³², while requiring Member States to ensure that at least the conduct expressly identified in Article 3(4) is criminalised when committed with that degree of negligence.

2.1.3. Penalties in the ECD and the Liability of Legal Persons for Environmental Crime

Unclear penalties have been a fundamental criticism of the 2008 ECD, and sectoral EU law is similarly insufficient. As it is stated in the preamble of the 2024 ECD,

Environment through Criminal Law, C.E.T.S. No. 228, December 3, 2025, 4, para. 20, <https://rm.coe.int/1680b5de56>.

³² Directive (EU) 2024/1203, recital 27.

the Member States have to introduce “*effective, proportionate and dissuasive criminal penalties that correspond to the gravity of the offences and can convey more social disapproval than the use of administrative penalties.*”³³ The legislation also refers to the complementarity of administrative and criminal legal consequences, a crucial consideration in environmental harm.³⁴ Because the legislation was unclear, punishment levels usually remained low in Member States. The 2024 Directive differentiates between penalties for natural persons and legislation concerning legal persons. Article 5(2) establishes minimum levels for the maximum term of imprisonment of 3, 5, 8 and 10 years for natural persons. In the 2024 ECD, maximum prison terms of at least 10 years apply only if human death occurs in certain cases, whereas “*conducts comparable to ecocide*” type qualified offences carry a maximum term of imprisonment of at least 8 years. This distinction may reflect a certain *anthropocentric* emphasis in the Directive’s sanctioning framework.³⁵ Article 5(3) also lists examples of accessory criminal and non-criminal penalties or measures, including restoration, fines, and withdrawal of permits and authorisations.

The 2024 Directive strengthens the liability framework of legal persons under Article 6. The Directive harmonises the requirements for the liability of legal persons and the severity of sanctions but does not fully harmonise the legal nature of such liability, given that certain Member States do not recognise the criminal liability of legal persons. In this respect, the EU legislator has therefore taken account of Member States’ legal traditions. The regulation refers back to Articles 3 and 4 (offences) and if the offence “*has been committed for the benefit of those legal persons by any person who has a leading position within the legal person concerned, acting either individually or as part of an organ of that legal person, based on: (a) a power of representation of the legal person; (b) an authority to take decisions on behalf of the legal person; or (c) an authority to exercise control within the legal person*”, the state must establish liability of legal persons, that can be criminal or non-criminal under national law. Article 7 considers penalties for legal persons. In this manner, the 2024 Directive establishes that “*legal persons should be understood as not including States or public bodies exercising State authority or public international organisations*”³⁶ The Directive introduces optional “*lump sum fines*” for legal persons (€ 40 M or €24 M), instead of only turnover-based penalties, i.e. fines calculated as a percentage of a company’s total worldwide annual revenue (turnover), rather than a fixed sum. In this way, Member States can choose which system applies. The gravity of the conduct must also be considered, and the Directive acknowledges the different legal heritage of Member States regarding the criminal liability of legal persons. The states that do not recognise

³³ Directive (EU) 2024/1203, recital 4.

³⁴ Ilona Görgényi, “Protection of the Environment through Criminal Law Considering the European Standards,” *Journal of Agricultural and Environmental Law* 13, no. 25 (2018): 46–80, <https://doi.org/10.21029/JAEL.2018.25.46>.

³⁵ Elżbieta Zębek and Denis Solodov, “The EU Environmental Crime Directive 2024/1203: Legal Solutions and Perspectives,” *Journal for Nature Conservation* 89 (2026): article 127093, 10 (PDF pagination), <https://doi.org/10.1016/j.jnc.2025.127093>.

³⁶ Directive (EU) 2024/1203, recital 12 and art. 2(2).

the criminal liability of legal persons “*should ensure that their law provides for effective, dissuasive and proportionate types and levels of non-criminal penalties as laid down in this Directive.*” For legal persons, the Directive clearly states that non-criminal penalties or measures may also be applied; however, the provisions on legal consequences must be taken into account. Under Article 7(2), non-criminal penalties include restoration, compensation, exclusion from public funding, withdrawal of permits, judicial supervision, or winding-up.³⁷ Based on Article 7(2), criminal penalties are also applicable. It is also important to note that the establishment of the liability of legal persons does “*not preclude criminal proceedings against natural persons*”.³⁸ For example, the company may be subject to a fine or other measures, while separate criminal proceedings are brought against a natural person (director, perpetrator, inciter or accessory); however, one does not automatically follow from the other.

2.1.4. Transposition of the New Environmental Crime Directive – A Divide Between Obligations and Reality

Based on the national transposition data, the transposition process is still ongoing in most Member States. The European Commission has already started infringement procedures for failing to transpose the 2024 ECD on time by sending letters of formal notice to 23 Member States in July 2026.³⁹ As part of the transposition process, the Member States also must define the condition relevant to the “*manifest breach of relevant substantive legal requirements*”.⁴⁰ Although the Directive does not define the term precisely, States have different options to comply with this requirement: through human rights law or criminally enforceable duties of care. Another solution is to establish autonomous environmental crime, as set out in the Council of Europe Convention 1998.⁴¹ The effects of criminalising the “*breach of relevant substantive legal requirements*” are far-reaching, so the Commission may leave it to national authorities to decide how the environmental criminal law system of the Member State concerned could transpose this new element of the 2024 ECD.⁴² Overall, the 2024

³⁷ Zębek and Solodov, “EU Environmental Crime Directive,” 10 (PDF pagination).

³⁸ Directive (EU) 2024/1203, art. 6(3).

³⁹ European Commission, “Commission Takes Action to Ensure Complete and Timely Transposition of EU Directives,” *Press Corner*, July 15, 2026, https://ec.europa.eu/commission/presscorner/detail/en/inf_26_1380.

⁴⁰ Directive (EU) 2024/1203, recital 10. “an obvious and substantial breach of relevant substantive legal requirements, and is not intended to include breaches of procedural requirements or minor elements of the authorisation.”

⁴¹ The autonomous environmental crime element of the Directive resonates with Council of Europe, *Convention*, E.T.S. No. 172, art. 2(1)(a). “Each party shall adopt such appropriate measures as may be necessary to establish as criminal offences under its domestic law: (a) the discharge, emission or introduction of a quantity of substances or ionising radiation into air, soil or water, which: (i) causes death or serious injury to any person, or (ii) creates a significant risk of causing death or serious injury to any person.”

⁴² Michael G. Faure, “The EU Environmental Crime Directive 2024: A Revolution in EU Environmental Criminal Law?,” *Journal of Environmental Law* 36, no. 3 (2024): 340–41, <https://doi.org/10.1093/jel/eqae020>.

Directive establishes a “*comprehensive and prescriptive approach*,” and the new elements are poised to challenge Member States to fully transpose them into national law.⁴³

2.2. Environmental Rights – An Emerging Area of International Law

Although human rights protection has a long history, the current system resulted from legal developments following the Second World War. Human rights can traditionally be divided into three generations: civil and political rights; economic, social, and cultural rights; collective and environmental rights. The third generation of human rights emerged most recently, in the 20th century, typically in response to global challenges, particularly within the framework of international law. These include the right to development, the right to peace, and the right to a healthy environment. Today, the scope of human rights protection has been expanded to include the rights to water and food. These rights are typically collective, and a single state cannot provide them sufficiently, as global cooperation is required to protect them. Whilst some rights are fundamental in nature, the majority – such as the right to development – express aspirations, and thus their content, scope and enforceability remain uncertain. The enjoyment of human rights is greatly affected by, and can be rendered impossible by, environmental degradation. Environmental rights mean “*any proclamation of a human right to environmental conditions of a specified quality*”. These rights can be fundamental and substantive rights that mean a direct effect on the existence or the enjoyment of the right itself, or procedural in nature, when formal steps are to be taken in enforcing legal rights, such as in the cases of access to information, public participation, and access to environmental justice.⁴⁴ Environmental rights are also supported by the *Rights of Nature* movement, which is not just a legal-philosophical concept, but also emphasises the shift from anthropocentric to ecocentric. It is also worth noting that Rights of Nature is not alien to legislation – primarily constitutional – as in certain states; it has a historical legal embeddedness. Rights of Nature “*is an approach that is present in society and therefore ecocentrism, which gives priority to the ecosystem as a whole*”.⁴⁵

The link between the level of human rights protection and environmental quality is now well established. This correlation was also acknowledged by the milestone resolution of the UN General Assembly, stating that “*sustainable development, in its three dimensions (social, economic and environmental), and the protection of the environment, including ecosystems, contribute to and promote human well-being and the full enjoyment of all human rights, for present and future*

⁴³ Ricardo Pereira, “A Critical Evaluation of the New EU Environmental Crime Directive 2024/1203,” *Eucrim* 19, no. 2 (2024): 161, <https://doi.org/10.30709/eucrim-2024-012>.

⁴⁴ United Nations Environment Programme, “What Are Environmental Rights?,” *UNEP*, accessed October 18, 2026, <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what>.

⁴⁵ Ágnes Tahyné Kovács, “On the Phenomenon of the Rights of Nature,” in *Hungarian Yearbook of International Law and European Law* 12 no. 1 (2024): 308, <https://doi.org/10.5771/9783748946526-305>.

generations”.⁴⁶ Moreover, the same idea appears in Human Rights Council resolution 48/13, adopted in 2021. Over the last couple of decades, environmentally related cases have grown in number at international and domestic judicial forums. For a long time, many of them, especially the International Court of Justice (ICJ), remained resistant and delivered conservative decisions on environmental matters. Recently, this tendency has started to change. The ICJ’s Advisory Opinion on the Obligations of States in respect of Climate Change⁴⁷ marked a historic moment in international environmental law. Foster labelled the advisory opinion as “*direct, serious and frank wake-up call for governments and for the world*”.⁴⁸ Beyond legal issues relating to environmental and climate protection in the narrower sense, the advisory opinion makes a number of important observations on the law of treaties, the relationship between the sources of international law, the law of state responsibility, as well as on human rights, the law of the sea and issues relating to statehood. Despite its non-binding nature, the opinion is highly significant, particularly given the uncertainties surrounding climate issues; it can serve as an important reference for both international and national courts.⁴⁹ The ICJ emphasised the connection between environment and human rights, stating that the adverse effects of climate change significantly impair the enjoyment of human rights. The Court endorsed the right to a clean, healthy, and sustainable environment as part of international law and referred to the numerous instruments acknowledging this right.⁵⁰

Based on the above, environmental rights are not included in the ‘classic catalogues’ of human rights, as these were adopted before the emergence of third-generation human rights. The so-called international ‘Bill of Rights’⁵¹ expressly does not include the right to a healthy environment. However, regional human rights treaties may include the right to a healthy environment or other environmental rights.⁵² Judicial bodies generally address this gap through evolutionary interpretation, safeguarding the

⁴⁶ United Nations General Assembly, “The Human Right to a Clean, Healthy and Sustainable Environment,” Resolution 76/300, July 28, 2022, preamble, <https://docs.un.org/en/A/RES/76/300>.

⁴⁷ *Obligations of States in Respect of Climate Change*, advisory opinion, International Court of Justice, July 23, 2025, General List No. 187, <https://www.icj-cij.org/sites/default/files/case-related/187/187-2025-0723-adv-01-00-en.pdf>.

⁴⁸ Caroline E. Foster, “The 2025 International Court of Justice Advisory Opinion on Obligations of States in Respect of Climate Change,” *International and Comparative Law Quarterly* 74, no. 4 (2025): 775, <https://doi.org/10.1017/S0020589325101292>.

⁴⁹ Gábor Kecskés and Katalin Sulyok, “Vigyázó szemünket most Hágára vessük – Tanácsadó vélemény az államok klímaváltozással kapcsolatos kötelezettségei tárgyában” [Let us now turn our attention to The Hague – An advisory opinion on states’ obligations in relation to climate change], *jtBlog*, July 25, 2025, <https://jog.tk.elte.hu/blog/2025/07/vigyazo-szemunket-most-hagara-vessuk>.

⁵⁰ John H. Knox, “Obligations of States in Respect of Climate Change, Advisory Opinion,” *American Journal of International Law* 120, no. 2 (2026): 352, <https://doi.org/10.1017/ajil.2025.10152>.

⁵¹ The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966) are the principal instruments of the International Bill of Human Rights. See Office of the United Nations High Commissioner for Human Rights, “About the Covenants,” *50th Anniversary of the Human Rights Covenants*, accessed October 18, 2026, <https://2covenants.ohchr.org/About-The-Covenants.html>.

⁵² Enikő Emese Oláh, “The Right to Water in the Human Rights Framework,” *Comparative Law Working Papers* 9, no. 1 (2025): 1–10, <https://acta.bibl.u-szeged.hu/86716/>.

values of the right to a healthy environment by protecting other rights included in the catalogue of human rights. The European Court of Human Rights (ECtHR) also followed this line of reasoning when examining cases in which a violation of the right to a healthy environment might have occurred. A debate continues over whether to adopt new protocols to amend the human rights convention in force and provide specific protection for environmental rights. Recently, the *KlimaSeniorinnen judgement*⁵³ has gained worldwide recognition amongst climate litigation cases. Its significance is outstanding, as it is the first international judgement to find a state in violation of human rights for failing to take adequate climate action. At the same time, the European Convention on Human Rights (ECHR) still does not recognise the right to a healthy environment; consequently, the ECtHR based its decision on the ‘evolutionary interpretation’ previously applied, specifically under Article 8 (right to respect for private and family life) of the Convention. The decision is also crucial, as it sets the Court’s stance on access to justice under Article 6 (right to a fair trial) in relation to climate change matters.⁵⁴ Given the growing number of climate lawsuits, the ECtHR’s ruling extends beyond the scope of the case in question and the Council of Europe. The *KlimaSeniorinnen* ruling establishes a clear link between states’ obligations to act on climate change and human rights, even though the ECHR contains no specific third-generation human rights.⁵⁵

2.3. International Instruments Relevant to Wildlife Crime and Their Effectiveness

One of the most significant causes of biodiversity loss is the illegal trade in endangered species, which can be classified as wildlife crime. Illegal wildlife trade is one of the greatest obstacles to the success of nature conservation efforts; it affects the development prospects of economically weaker states and is linked to transnational organised crime. Biodiversity loss is identified as one of the “*common concerns of mankind*”. Species survival is crucial not only to preserve biological heritage for future generations, but also because the Earth’s ecological system is integral to communities’ everyday life and traditions, providing shelter, natural resources, and other ecosystem services. Biodiversity is seriously threatened by activities such as the destruction of natural habitats and the adverse effects of climate change and global warming. However, one of the leading causes of increased extinction is the exploitation of species for economic gain. Human activity over recent centuries – particularly in the 20th century – has resulted in the disappearance of between 5,000 and 20,000 species

⁵³ *Verein KlimaSeniorinnen Schweiz and Others v. Switzerland*, application no. 53600/20, European Court of Human Rights (Grand Chamber), judgment, April 9, 2024, <https://hudoc.echr.coe.int/eng?i=001-233206>.

⁵⁴ Margaretha Wewerinke-Singh, “Climate Protection Obligations under the European Convention on Human Rights: The *KlimaSeniorinnen* Judgment,” *European Constitutional Law Review* 21, no. 2 (2025): 357, <https://doi.org/10.1017/S1574019625100576>.

⁵⁵ Annalisa Savaresi, “*Verein KlimaSeniorinnen Schweiz and Others v Switzerland: Making Climate Change Litigation History*,” *Review of European, Comparative & International Environmental Law* 34, no. 1 (2025): 287, <https://doi.org/10.1111/reel.12612>.

annually, a figure far exceeding the natural rate of extinction. If this trend continues, around 10% of all species are at risk of total extinction. Based on the IUCN Red List, nowadays more than 49,500 species are threatened with extinction; that is, 28% of all assessed species.⁵⁶ Among anthropic changes, habitat conversion often destroys natural areas, often driven by agricultural activities. Human population growth has increased demand for food, fuel, and other natural resources, and foreseeable agricultural expansion may require further modification of natural areas.⁵⁷ Another alarming issue came to the fore when organised criminal groups realised the profit margin of wildlife crime and started to exploit species, including endangered ones, to increase revenue. Nowadays, it is an established fact that “*the illegal wildlife trade is a key driver of biodiversity loss and a barrier to desired transformations in socio-environmental systems*”.⁵⁸ Organised criminal groups often commit other serious offences, including assassinations and attacks against the members of law enforcement and judicial agencies who pose a threat to criminal organisations. It is evident that wildlife crime is frequently accompanied by trafficking in other illicit goods, such as drugs or counterfeit clothing, and other serious offences, including money laundering, violent crimes and corruption that undermine public security. Therefore, beyond protecting biodiversity, effective action against the illegal trade in protected animal and plant species is also justified because these criminal offences are linked to other serious crimes.⁵⁹ It is not surprising that, among the Sustainable Development Goals, SDG15, “*Life on Land*”, focuses on biodiversity protection, with particular emphasis on combating wildlife crime and illicit trade. Wildlife crime undermines sustainable development by weakening all three pillars: social, economic, and environmental.⁶⁰ Over the past few decades, driven by demand in developed countries, irresponsible and excessive hunting, fishing, trapping, and deforestation have accelerated species extinction, with no opportunity for regeneration. Ecosystems play a particularly important role in developing economies by contributing to government revenue and securing future development opportunities. Ecosystems support tourism in approximately 5–10% of national economies and also fulfil other essential roles, such as mitigating the effects of extreme weather events – including floods, droughts and the provision of clean drinking water. A healthy ecosystem underpins a country’s economic development and future

⁵⁶ International Union for Conservation of Nature, “The IUCN Red List of Threatened Species,” *IUCN Red List*, accessed October 18, 2026, <https://www.iucnredlist.org/>.

⁵⁷ Daniel Gonçalves-Souza et al., “Habitat Loss, Extinction Predictability and Conservation Efforts in the Terrestrial Ecoregions,” *Biological Conservation* 246 (2020): article 108579, <https://doi.org/10.1016/j.biocon.2020.108579>.

⁵⁸ Hannah Murray et al., “Encoding and Decoding Illegal Wildlife Trade Networks Reveals Key Airport Characteristics and Undetected Hotspots,” *Communications Earth & Environment* 6 (2025): article 399, 1 (PDF pagination), <https://doi.org/10.1038/s43247-025-02371-5>.

⁵⁹ Csaba Zsigmond, *A természet maffiája: A szervezett bűnözés megjelenése a védett állat- és növényfajok nemzetközi illegális kereskedelmében* [The nature mafia: The emergence of organized crime in the international illegal trade in protected animal and plant species] (Ludovika Egyetemi Kiadó, 2026), <https://doi.org/10.36250/01219>.

⁶⁰ Elle Jingjing Xu et al., “Exploring Neglected Places Enabling Conservation Crime through Place Network Investigations,” *iScience* 29, no. 1 (2026): article 114384, 1 (PDF pagination), <https://doi.org/10.1016/j.isci.2025.114384>.

food security. Meanwhile, the ecosystem's development potential is threatened by the growing prevalence of transboundary organised crime, which undermines progress on Sustainable Development Goals and 'good governance'. According to estimates by the relevant international organisations, the value of transboundary organised environmental crime ranges from 70 to 213 billion USD annually.⁶¹

Wildlife crime lacks a universally accepted definition, and it is often understood as a range of criminal acts that harm animal and plant species. International organisations, including those combating transnational crime, have led efforts to combat environmental crime. Environmental crime (crimes that affect the environment) is a broader concept, but wildlife crime falls within that scope.⁶² Based on the definition of INTERPOL, "*wildlife crime is an umbrella term used to describe criminal activity resulting in the illegal exploitation of wild flora and fauna, covering the entire supply chain, from poaching and transportation to processing and selling. It also refers to criminal offenses that facilitate such illicit activities, including document fraud, corruption, and money laundering.*"⁶³ From an international law perspective, it is important to establish a definition that considers all relevant international instruments, including conventions. In this manner, "*wildlife crime should be understood as any act that has a negative impact on wildlife and is subject to adverse legal consequences under national legislation. These acts may include gathering or taking from the wild, acquiring, possessing, or processing wildlife species and/or products. Wildlife crime includes illegal wildlife trade and importing into or exporting from a State's territory in breach of relevant regulations. Wildlife includes all species of wild fauna and flora, including all forms of their occurrence and coexistence. Wildlife crime is prosecuted under national criminal law. Its characteristics include a transnational organised crime element and a propensity for corruption.*"⁶⁴ Over the past decade, the United Nations Office on Drugs and Crime (UNODC) has emerged as a key organisation for tackling wildlife and forest crimes. It collaborates closely with governments, other UN bodies, international organisations, NGOs, and the private sector. Conceptually, UNODC defines wildlife and forestry crimes as illegal activities such as taking, trading, importing, exporting, processing, possessing, obtaining, and consuming wild fauna and flora (including timber and related products) in violation of legal standards.⁶⁵ The *World Wildlife Crime Report* was first published in 2016, with a subsequent update in 2020,

⁶¹ United Nations Environment Programme, *Illegal Trade in Wildlife: The Environmental, Social and Economic Consequences for Sustainable Development*, UNEP/EA.1/INF/19, May 21, 2014, paras. 1–2, <https://documents.un.org/api/symbol/access?l=en&s=unep/EA.1/INF/19&t=pdf>.

⁶² United Nations Office on Drugs and Crime, *UNODC Approach to Crimes That Affect the Environment* (United Nations, n.d.), 1–14, https://www.unodc.org/res/environment-climate/resources_html/UNODC_Approach_to_Crimes_that_Affect_the_Environment.pdf.

⁶³ INTERPOL, *Global Wildlife Enforcement: Strengthening Law Enforcement Cooperation against Wildlife Crime* (INTERPOL, March 2018), 3, <https://www.interpol.int/content/download/5179/file/Global%20Wildlife%20Enforcement.pdf?inLanguage=eng-GB>.

⁶⁴ Sziebig, "Why Is Implementing the UNTOC Essential," 271.

⁶⁵ Chad Patrick Osorio and Nadia Bernaz, "Addressing the International Illegal Wildlife Trade through a Human Rights Approach," *Review of European, Comparative & International Environmental Law* 33, no. 3 (2024): 508–9, <https://doi.org/10.1111/reel.12563>.

both providing statistical analyses and case studies. The latest report was published in 2024. The latest report of 2024⁶⁶ introduced new perspectives: (1) organised crime element: the report details the exact structure of the criminal organisations involved in this illegal activity; (2) highlights and points out the other offences connected to wildlife crime; (3) gender distribution in the commission of wildlife crime is analysed; (4) applies seizure data as a basis for statistical data to estimate wildlife crime; (5) the impact of the COVID-19 pandemic on wildlife crime trends is a completely new element.⁶⁷

Regarding other forms of organised crime, such as drug and arms trafficking, human trafficking and smuggling, international regulatory instruments do exist. However, no uniform agreement exists on wildlife-related crimes or environmental crimes. In the absence of a universally accepted definition and instruments, it is important to identify the relevant international conventions applicable. In this regard, the following instruments should be mentioned. In the area of wildlife trade, the Convention on International Trade in Endangered Species of Wild Fauna and Flora was concluded; its five-letter acronym, CITES, has been known worldwide since it was signed in 1973.⁶⁸ Because wildlife crime involves a criminal element, conventions against organised crime⁶⁹ and corruption⁷⁰, adopted within the United Nations framework, must be effectively implemented to curb wildlife crime. Over the last three decades, international forums such as UNEP, UNODC, and the UNGA have adopted more than 45 resolutions on environmental crime. But it was not until 2016 that the first UNODC report was accepted, detailing wildlife crime as a form of organised crime and exploring in depth the links between the two phenomena. The view that wildlife crime should be approached through the prism of international organised crime appears to be gaining ground on the international stage as well.⁷¹ In 2024, the Conference of the Parties (COP) to the UN Convention against Transnational Organised Crime adopted a milestone decision to launch discussion of a standalone protocol on wildlife crime.

⁶⁶ United Nations Office on Drugs and Crime, *World Wildlife Crime Report 2024: Trafficking in Protected Species* (United Nations, 2024), https://www.unodc.org/documents/data-and-analysis/wildlife/2024/Wildlife2024_Final.pdf.

⁶⁷ Orsolya Johanna Sziebig and Csaba Zsigmond, “Réflexions sur le nouveau rapport sur la criminalité liée aux espèces sauvages 2024 : la menace posée par la criminalité transnationale organisée,” in *Le droit international en transition: Contributions à la 4e Conférence sur le droit comparé et international*, ed. Cristina Elena Popa Tache and Cătălin-Silviu Săraru (L’Harmattan, 2024), <https://publicatio.bibl.u-szeged.hu/35173/>.

⁶⁸ *Convention on International Trade in Endangered Species of Wild Fauna and Flora*, March 3, 1973, 993 U.N.T.S. 243, entered into force July 1, 1975, <https://cites.org/eng/disc/text.php>.

⁶⁹ *United Nations Convention against Transnational Organized Crime*, November 15, 2000, 2225 U.N.T.S. 209, entered into force September 29, 2003, <https://www.unodc.org/documents/treaties/UNTOC/Publications/TOC%20Convention/TOCbook-e.pdf>.

⁷⁰ *United Nations Convention against Corruption*, October 31, 2003, 2349 U.N.T.S. 41, entered into force December 14, 2005, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVI-II-14&chapter=18&clang=_en.

⁷¹ United Nations Office on Drugs and Crime, “Wildlife Crime Assessed Globally for the First Time in New UNODC Report,” *UNODC*, May 24, 2016, <https://www.unodc.org/unodc/en/frontpage/2016/May/wildlife-crime-assessed-globally-for-the-first-time-in-new-unodc-report.html>.

Supporters of the idea emphasised, “*the lack of efficacy in existing multilateral environmental agreements to accommodate the diversity and interlinkages of environmental crime, as well as the rapid pace of market development and evolution*”.⁷² The General Assembly adopted the United Nations Convention against Transnational Organised Crime by resolution 55/25 on 15 November 2000.⁷³ Based on the 3rd Article of the Convention, the main purpose of the Convention is to prevent, detect, investigate and prosecute serious crime when the offence is of an international nature and involves an organised criminal group. In this context, States must classify environmental crime as a “*serious*” crime; only then will the UNTOC apply. The possibility of an additional protocol relating to wildlife crime has not only been raised in academic circles, but the adoption of a fourth protocol linked to the treaty has also emerged as a realistic prospect. The new instrument is based on the recognition that organised crime is closely linked to acts that harm wildlife; its implementation could therefore make a significant contribution to the fight against environmental crime.⁷⁴ International conventions relevant to wildlife crime enjoy almost universal participation, as the vast majority of UN Member States are parties to these instruments.⁷⁵

3. Conclusions

As Sir David Attenborough declared in the witness statement of his film, titled “*A Life on Our Planet*”: “*a crime has been committed*”.⁷⁶ The phrase strongly resonates with the core message of this study from two perspectives. Firstly, environmental destruction can be seen as a crime against the environment (ecocide), and secondly, environmental crimes destroy natural habitats, fuel species extinction and support organised criminal groups. Environmental crime is one of the greatest challenges facing the international community in our century. Unlawful activities such as exploitation, harvesting, and hunting carried out in breach of regulations significantly hamper the effective implementation of the main conservation efforts and the measures taken to

⁷² Meredith L. Gore et al., “Positive Criminology for Environmental Crimes?,” *Conservation Letters* 19, no. 1 (2026): article e70024, 1 (PDF pagination), <https://doi.org/10.1111/con4.70024>.

⁷³ *United Nations Convention against Transnational Organized Crime*.

⁷⁴ Chad Patrick Osorio, “Equity Considerations in the Proposed Wildlife Protocol to the Convention against Transnational Organized Crime,” *Conservation Biology* 40, no. 4 (2026): article e70220, <https://doi.org/10.1111/cobi.70220>.

⁷⁵ As at October 18, 2026, CITES has 185 Parties (184 States and the European Union), UNCAC has 193 Parties, and UNTOC has 195 Parties. See CITES Secretariat, “List of Parties to the Convention,” *CITES*, accessed October 18, 2026, <https://cites.org/eng/disc/parties/index.php>; United Nations Treaty Collection, “United Nations Convention against Corruption,” *Status of Treaties*, chap. XVIII, no. 14, status as at October 18, 2026, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-14&chapter=18&clang=_en; United Nations Treaty Collection, “United Nations Convention against Transnational Organized Crime,” *Status of Treaties*, chap. XVIII, no. 12, status as at October 18, 2026, https://treaties-prod.un.org/Pages/ViewDetails.aspx?chapter=18&clang=_en&mtdsg_no=XVIII-12&src=TREATY.

⁷⁶ Anderson Cooper, “Sir David Attenborough Explains What He Thinks Needs to Happen to Save the Planet,” *60 Minutes*, CBS News, September 27, 2020, <https://www.cbsnews.com/news/david-attenborough-climate-change-a-life-on-our-planet-60-minutes-2020-09-27/>.

achieve them. It is no coincidence that, over the last decade, environmental crimes have come to the forefront of international attention. Furthermore, the international community treats criminal offences related to wildlife and the illegal wildlife trade as priority issues. Illegal trade (carried out by circumventing or breaching regulations) is the most typical form of wildlife crime. Over the more than five decades since CITES was signed in 1973, protecting endangered species has become indispensable. The legal framework includes international, EU, and national/Member State levels of regulation, which build on and complement one another to provide the highest possible level of protection.

In summary, while many states criminalise acts harmful to wildlife, focusing on native flora and fauna, from the international community's perspective it is a transboundary activity that generally bears the hallmarks of organised crime. One could also say that environmental crimes and criminal offences relating to wildlife already take place within the state; but, as a result of illicit trade, they take on an international dimension; furthermore, the infiltration of organised crime has given rise to a new category of offence, which is often accompanied by other criminal acts, primarily various forms of offences, e.g. corruption, money-laundering and violence. Wildlife offences and, more broadly, environmental crimes are among the greatest obstacles to the sustainable use of biodiversity and environmental resources. Although the international community widely supports international conventions on wildlife crime, including illegal wildlife trade, poor implementation hinders progress toward the set goals. Moreover, environmental protection legislation through criminal law is evolving at the international and regional (EU) levels. At the same time, we can only estimate the likely effects of the new legal instruments (e.g. Convention No. 228 and 2024 ECD), as their ratification/transposition is still in progress. Several countries support adopting standalone ecocide legislation, as more and more states include it in domestic law. Ecocide is a "*logical practical measure to protect vital ecosystems from the most severe harms*".⁷⁷ Given current trends, it is certainly to be expected that the legal recognition of ecocide will increase, even at the international level. At the same time, it is important to recognise that significant results can be achieved in curbing environmentally destructive behaviour simply by fully enforcing existing regulations.

The expansion of environmental rights is one manifestation of today's environmentally conscious approach to law. Legal solutions once unfamiliar are now entering the European regulatory framework; thus, we can observe the growing prominence of the concept of the Rights of Nature. A genuine question remains whether further amendments to existing human rights conventions are necessary, given that, by virtue of their adoption date, they do not include environmental rights. Another approach is to rely on the creative interpretation of the law by courts and other human rights forums, which may raise questions about the legal requirements and boundaries of interpretation. Overall, conventions were adopted to address today's environmental destruction; thus, both conventions and legal interpretations help preserve our

⁷⁷ Jojo Mehta and Anna Maddrick, "Legal and Cultural Impacts of Ecocide Law: A View from the Legislative Frontlines," *Environmental Politics*, published online July 16, 2026, 1–9 (advance online pagination), <https://doi.org/10.1080/09644016.2026.2694018>.

environment for future generations. In recent decades, multilateral environmental agreements have become the main regulatory instrument in global environmental protection. To answer the original research question, environmental legislation is ongoing, and although environmental treaties cover a wide range of ecological problems, legislative gaps remain. Further conventions cannot be ruled out, particularly on ecocide and environmental rights. At the same time, properly enforcing existing law would already ensure proper action against serious environmental destroyers and the application of effective legal consequences, thereby helping prevent environmental destruction.

In the matrix of adoption – ratification/transposition – enforcement, normative gaps may be partially mitigated by evolutionary interpretation, judicial practice, and creative legal thinking. Still, “*hard law*” remains the most significant regulatory tool in international environmental law, providing a strong basis for enforcement and interpretation. This article focused on international conventions, while recognising that different sources of law form an organic system that complements and reinforces one another. It is no exaggeration to say that we live in a time of uncertainty. To preserve our created World for future generations, we all have to step up, as Polly Higgins said, “*the Earth is in need of a good lawyer*”⁷⁸.

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