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ORGANIZED ENVIRONMENTAL CRIME AND WAR CRIMES AGAINST THE ENVIRONMENT: CONTEMPORARY CHALLENGES AND LEGAL RESPONSE MECHANISMS

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Objective. The study aims to analyze organized environmental crime and war crimes against the environment, identify major threats to environmental security, assess the effectiveness of legal countermeasures, and justify the need for legislative improvements.

Methods. General scientific and specialized legal methods were used: analysis and synthesis – to identify threats; comparative legal method – to examine international experience; statistical analysis – to assess crime trends; criminological method – to study the mechanisms of organized groups operating in the field of natural resource use.

Results. It has been established that organized environmental crime adapts to legislative changes and utilizes corruption mechanisms. Illegal logging leads to ecosystem degradation and climate change. The study of international experience confirmed the effectiveness of control mechanisms for the origin of natural resources, particularly the Lacey Act (USA) and EU Regulation No. 995/2010. War crimes against the environment resulting from Russia’s armed aggression include ecosystem destruction, landmining, and water and air pollution. The most severe environmental damage was caused by the destruction of the Kakhovka Hydroelectric Power Plant. The study proposes legislative harmonization, the implementation of the concept of “ecocide” in international law, and the strengthening of anti-corruption measures.

Conclusions. Environmental crime poses a threat to global security. The war in Ukraine has highlighted the need to improve international mechanisms for holding perpetrators accountable for ecocide. The further effectiveness of countermeasures will depend on legal harmonization, stricter criminal liability, enhanced international cooperation, and environmental rehabilitation mechanisms.

Key words: environmental crime, war crimes against the environment, ecocide, illegal logging, international law, criminal liability, environmental security, corruption mechanisms, armed aggression.

ОРГАНІЗОВАНА ЕКОЛОГІЧНА ЗЛОЧИННІСТЬ ТА ВОЄННІ ЗЛОЧИНИ ПРОТИ ДОВКІЛЛЯ: СУЧАСНІ ВИКЛИКИ ТА ПРАВОВІ МЕХАНІЗМИ РЕАГУВАННЯ

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Мета. Дослідження спрямоване на аналіз організованої екологічної злочинності та воєнних злочинів проти довкілля, визначення основних загроз екологічній безпеці, оцінку ефективності правових механізмів протидії та обґрунтування необхідності вдосконалення законодавства.

Методи. Використано загальнонаукові та спеціально-правові методи: аналіз і синтез – для визначення загроз, порівняльно-правовий – для дослідження міжнародного досвіду, статистичний аналіз – для оцінки тенденцій злочинності, кримінологічний – для вивчення механізмів діяльності організованих угруповань у сфері природокористування.

Результати. Встановлено, що організована екологічна злочинність адаптується до змін у законодавстві та використовує корупційні механізми. Незаконне лісокористування призводить до деградації екосистем і кліматичних змін. Вивчення міжнародного досвіду підтвердило ефективність механізмів контролю за походженням природних ресурсів, зокрема Закону Лейсі (США) та Регламенту ЄС № 995/2010. Воєнні злочини проти довкілля, спричинені збройною агресією РФ, включають руйнування екосистем, мінування територій, забруднення води та повітря. Найбільші екологічні збитки завдав підрив Каховської ГЕС. Запропоновано гармонізацію законодавства, імплементацію поняття «екоцид» у міжнародне право та посилення антикорупційних заходів.

Висновки. Екологічна злочинність загрожує глобальній безпеці. Війна в Україні актуалізувала потребу вдосконалення міжнародних механізмів притягнення до відповідальності за екоцид. Подальша ефективність боротьби залежатиме від гармонізації законодавства, посилення кримінальної відповідальності, міжнародного співробітництва та механізмів екологічної реабілітації.

Ключові слова: екологічна злочинність, воєнні злочини проти довкілля, екоцид, незаконне лісокористування, міжнародне право, кримінальна відповідальність, екологічна безпека, корупційні механізми, збройна агресія.

Introduction. The relevance of this study is driven by the growing threats posed by organized environmental crime and war crimes against the environment, which significantly impact ecosystems, biodiversity, and global environmental security. In contemporary conditions, environmental crime has acquired a systemic nature, leveraging high levels of corruption, shadow economic mechanisms, and transnational schemes for the illegal circulation of natural resources. Military actions, particularly the armed aggression of the Russian Federation against Ukraine, have resulted in unprecedented environmental losses, manifesting in the destruction of natural ecosystems, pollution of air, soil, and water resources, the mining of territories, and the destruction of critically important infrastructure. Given the international nature of environmental security, a comprehensive approach to analyzing environmental crimes is necessary, encompassing legal, criminological, and international legal aspects of prevention and counteraction. Despite the existence of international and national legal response mechanisms, the effectiveness of combating environmental crimes remains insufficient due to the complexity of their detection, investigation, and prosecution. In this context, the development of new legal instruments, the improvement of Ukraine's criminal legislation, and the implementation of international standards in the field of environmental protection are of particular importance.

Aim. The study aims to analyze organized environmental crime and war crimes against the environment, identify key threats and trends in this field, and assess the effectiveness of existing legal mechanisms for prevention and prosecution of environmental crimes.

1. Organized environmental crime: scale, causes, and counteraction mechanisms

Organized crime is a significant factor in committing environmental offenses due to its stable structure, long-term existence, and ability to effectively manage illegal activities. These groups are particularly dangerous because they minimize the risks of prosecution, ensuring their prolonged operation. The quantitative indicators of criminal offenses do not fully reflect the scale of the threat, as each individual case may indicate systematic criminal behavior on a regional or national scale (Marko & Zaika, 2024).

In the legislation of European Union states, organized crime is defined by its systematic

nature and economic orientation, integrated into the shadow economy. The primary goal of such groups is to obtain economic benefits through planning criminal activities, involving individuals and commercial structures, and establishing extensive criminal networks. These groups engage in various crimes, quickly adapting to changes in legal regulations. Corruption and violence are key tools of their activities, enabling the seamless execution of criminal intentions and significantly complicating their detection. Environmental crimes committed by organized groups are closely linked to economic crime, particularly the laundering of illegally obtained proceeds, necessitating a comprehensive approach to counteracting these phenomena. Environmental crime arises at the intersection of ecological and economic interests, where environmental conservation is overshadowed by the pursuit of economic enrichment. Crimes in this field are highly profitable, contributing to their widespread occurrence on a global scale. The intensification of international trade and the development of digital technologies facilitate the expansion of markets for illegally extracted natural resources, necessitating the implementation of effective international legal mechanisms to curb such activities (Aristova, 2024).

Illegal logging, regulated by Article 246 of the Criminal Code of Ukraine, is one of the most dangerous forms of environmental crime, leading to ecosystem destruction, biodiversity loss, disruption of the water balance, and soil erosion. Given the crucial role of forests in reducing carbon dioxide emissions and mitigating global warming, their large-scale destruction has severe long-term environmental consequences. This complicates the process of forest restoration and necessitates urgent international actions to counter these threats. The prevalence of illegal logging is determined by a combination of natural-geographical and socio-economic factors, including forest area, accessibility of resources, transportation logistics, and the remoteness of forested areas from settlements. The economic situation of the region, employment levels, and the effectiveness of environmental protection agencies and NGOs also significantly influence this issue. A key factor remains the existence of markets for illegally harvested timber, particularly in border regions where transnational distribution channels operate (Kolb & Humin, 2020).



The increasing role of organized criminal groups in illegal logging leads to the displacement of legal businesses and the expansion of shadow timber procurement schemes. The high profitability of this type of criminal activity contributes to the use of corruption mechanisms at various levels of management, significantly complicating the detection and suppression of such offenses. Illegal logging can occur entirely outside the law or through manipulations with logging permits, which formally provide legal grounds for logging but are actually used to launder illegally obtained timber.

The clear division of roles within criminal groups involved in illegal logging complicates the documentation of their activities and the disruption of supply chains. The high mobility of direct perpetrators, the insufficient number of forestry inspectors, and corruption risks hinder the effective prosecution of offenders. After being harvested, the timber is quickly transported and stored at collection points before being moved through illegal trade networks. Effective prosecution of all participants in criminal schemes related to forest exploitation requires the specialization of law enforcement agencies in investigating organized environmental offenses. The lack of a comprehensive approach results in accountability being imposed primarily on direct perpetrators, while organizers and coordinators often evade criminal prosecution. This highlights the need to improve law enforcement practices, enhance international cooperation, and implement anti-corruption mechanisms in the field of natural resource management.

Significant contributions to reducing environmental crime and curbing the illegal timber trade are provided by international and national legislative initiatives aimed at mandatory legalization of timber origin at all stages of its circulation. One of the most important legal acts in this area is the Lacey Act (1900), enacted in the United States, which prohibits the trade of natural resources obtained in violation of the law, including illegally harvested timber. Amendments introduced in 2008 expanded its scope to plant-based products, imposing restrictions on the import of goods made from illegally sourced wood. Harmonization of international legal norms and the establishment of a unified system of logging control are essential conditions for effective combating of illegal forest exploitation. This involves the introduction of international monitoring mechanisms, stricter liability for environmental crimes, and the development of criminal law cooperation between states to halt the activities of transnational criminal groups in this sector. The European Union has implemented effective mechanisms to regulate the timber trade, aimed at preventing illegal logging. Regulation (EU) No. 995/2010 of the European Parliament and Council, which came into force in 2013, mandates compulsory documentary verification of the legality of timber origin before its sale on the internal market (Reznikova, 2020).

A significant factor contributing to the spread of environmental crime is the insufficient level of environmental awareness among the popu-

lation. Developing ecological legal consciousness is a necessary prerequisite for reducing public involvement in illegal activities related to the environment. This requires an interdisciplinary approach that encompasses criminological, sociological, and psychological aspects of environmental offenses. Effective counteraction to environmental crime necessitates a comprehensive state policy aimed at combating organized criminal groups operating in this sphere. An essential legal regulation mechanism is the criminological examination of legislative acts, which helps identify potential legal loopholes that could be exploited to legalize illicit activities. The practice of assessing environmental risks of legislative initiatives, actively applied in the United Kingdom, represents a promising direction for improving environmental law regulation. Enhancing the efficiency of regulatory and supervisory bodies requires improving mechanisms for preventing corruption in environmental law enforcement. Given the transnational nature of modern organized environmental crime, key strategies for combating it include strengthening international cooperation, harmonizing legislation across different countries, and establishing effective mechanisms for monitoring the use of natural resources (Aristova, 2024).

Eliminating the economic foundation of environmental crime is one of the fundamental conditions for combating such offenses. It is crucial to coordinate the activities of law enforcement agencies across different countries to neutralize all stages of environmental crime – from planning and illegal extraction of natural resources to their sale and money laundering. One of the priority areas of international cooperation is the unification of legal norms in the fight against environmental crime, which includes defining offenses, terminology, and sanction systems. The implementation of a coordinated strategy to combat environmental crimes is a key objective for international organizations. The European Union has identified the fight against environmental crimes as one of the priorities of its criminal policy for 2022–2025. Within the framework of the European Multidisciplinary Platform Against Criminal Threats (EMPACT), measures are being implemented to strengthen law enforcement activities in this area, ensuring international coordination in the prevention of environmental offenses.

Improving environmental legislation is a priority for both Ukraine and the international community, given the transboundary nature of environmental crimes. Their effective prosecution requires the harmonization of legal norms, the creation of mechanisms for international information exchange, and the intensification of cooperation in the field of criminal prosecution. These efforts will contribute to environmental preservation, the minimization of ecological risks, and the security of present and future generations.

2. War crimes against the environment: consequences, international legal accountability mechanisms, and recovery strategies

In the context of armed conflicts, environmental security becomes critically important, as military actions not only cause large-scale destruction but also lead to long-term envi-

ronmental threats. The armed aggression of the Russian Federation against Ukraine has resulted in ecocide, necessitating a comprehensive analysis of wartime environmental crimes, the development of legal response mechanisms, and a criminological assessment of the environmental damage caused by the war.

The destruction of natural ecosystems, soil and water contamination, biodiversity loss, forest damage, and the spread of explosive remnants of war have created an unprecedented environmental crisis. The consequences of these processes pose threats not only to Ukraine but also to global environmental security. The use of heavy weaponry, artillery shelling, airstrikes, and the destruction of critical infrastructure have led to the release of toxic substances into the air, soil, and water bodies, causing ecosystem poisoning with carcinogenic compounds, heavy metals, and radioactive particles. An additional environmental hazard is the large-scale landmine contamination. As of 2023, approximately 180.000 km² of Ukraine's territory is potentially contaminated with explosive remnants of war, accounting for nearly 30% of the country's total area. The situation is particularly critical in forested areas, where over 650.000 hectares remain mined, preventing natural regeneration and economic use.

Given the scale of environmental damage caused by armed aggression, there is an urgent need to develop effective international accountability mechanisms for wartime environmental crimes, enhance legal tools for documenting such offenses, and establish international funds to compensate for the environmental damage inflicted. The armed aggression of Russia has caused unprecedented destruction of Ukraine's natural ecosystems, leading to massive declines in wildlife populations, the destruction of protected areas, and the contamination of water resources. In regions affected by hostilities, wildlife losses have reached 40% of pre-war numbers, equivalent to the disappearance of tens of thousands of large mammals, hundreds of thousands of fur-bearing animals, and millions of birds. Approximately 20% of protected natural areas have suffered critical damage, threatening the survival of many species listed in Ukraine's Red Book (Aristova & Klochko, 2024).

Aquatic ecosystems have also suffered severe damage due to the destruction of hydrotechnical infrastructure, oil spills, and the release of toxic chemicals into rivers. The most significant environmental disaster occurred after the destruction of the Kakhovka Hydroelectric Power Plant in 2023, which caused widespread flooding, ecosystem destruction, and irreversible changes in the region's water balance. The war has also led to toxic waste accumulation, significant greenhouse gas emissions, and disruptions to natural ecosystem regeneration processes. The estimated environmental damage exceeds \$60 billion, highlighting the urgent need to develop international mechanisms for compensating environmental losses and holding Russia accountable for ecocide.

The destruction of natural resources, the systematic harm to ecosystems, and the use of the environment as a weapon of war require

criminal-legal classification as serious international crimes. According to Article 441 of the Criminal Code of Ukraine, such actions constitute ecocide, and their investigation and prosecution should take place at both national and international levels.

The widespread destruction of industrial facilities and critical infrastructure, including coke plants, metallurgical enterprises, and power stations, has resulted in severe pollution of the air, soil, and water resources. This significantly complicates environmental recovery efforts and creates long-term risks for both ecosystems and public health. Therefore, it is crucial to strengthen international legal measures to prosecute individuals responsible for environmental crimes and to develop mechanisms for the ecological rehabilitation of affected areas. The destruction of the Kakhovka Hydroelectric Power Plant has caused an environmental catastrophe, leading to the complete collapse of the Kakhovka Reservoir ecosystem, water pollution with petroleum products and toxic substances, and the flooding of industrial sites and agricultural lands. This poses a direct threat to regional food security and the health of millions of people. An additional factor of environmental danger has been the destruction of critical infrastructure, particularly the Kharkiv Institute of Physics and Technology, which houses the nuclear subcritical installation "Neutron Source". This incident has significantly increased the risk of radioactive contamination, posing a threat not only to Ukraine but also to global environmental security. The widespread mining of territories, the entry of rocket fuel and explosive substances into water bodies, and the long-term degradation of ecosystems have made natural recovery impossible for decades. The protection of the environment during wartime is an integral part of international humanitarian law. Additional Protocol I to the Geneva Conventions prohibits methods of warfare that cause long-term and extensive environmental damage. Similarly, the United Nations Convention on the Prohibition of Military or Any Other Hostile Use of Environmental Modification Techniques imposes an obligation on state parties to avoid actions that may lead to significant environmental destruction (Shevchuk, 2024).

The Rome Statute of the International Criminal Court (1998) establishes liability for the intentional infliction of severe environmental damage during armed conflicts, if such actions are disproportionate to military objectives. Ukraine is one of the few countries that has criminalized ecocide at the national level and is actively developing legal mechanisms to hold perpetrators of war-related environmental crimes accountable in cooperation with international institutions. Given the global nature of war-related environmental consequences, a criminological analysis of war crimes against the environment is becoming increasingly relevant. The destruction of natural ecosystems, air, water, and soil pollution, as well as the deliberate targeting of environmentally hazardous facilities, can have long-term effects that extend beyond Ukraine and impact international security (Shevchuk, 2024).



Ukraine has become the first country to conduct a systematic investigation of war crimes against the environment within the framework of national criminal proceedings, setting an important precedent for international law. The documentation of environmental crimes, engagement of international experts, and cooperation with environmental organizations contribute to building a solid evidentiary base for prosecuting perpetrators at both the national and international levels. This creates new opportunities for ensuring legal accountability for ecocide and compensating for environmental damage. Ukrainian legislation is dynamically adapting to modern challenges, particularly in the context of legal responses to environmental crimes linked to armed aggression. A significant step in this direction was the ratification of the Rome Statute of the International Criminal Court, which enhances Ukraine's ability to pursue justice at the international level, particularly in prosecuting those responsible for environmental crimes. This provides a legal basis for classifying the deliberate destruction of the environment as a war crime under international humanitarian law and enables the initiation of legal proceedings against representatives of the aggressor state. The Rome Statute establishes criminal liability for large-scale, long-term, and severe environmental destruction resulting from armed conflicts.

In this context, the development of effective mechanisms for documenting environmental offenses, ensuring their proper legal qualification, and including recorded damages in international damage registers is of paramount importance. The law enforcement practice regarding environmental crimes during wartime remains complex and requires further adaptation of Ukraine's criminal legislation to new environmental threats. This includes the development of legal mechanisms for prosecuting environmental crimes, as well as a clear distinction between these offenses and crimes against peace, humanity, and international legal order. Additionally, it is essential to establish mechanisms for protecting environmental rights, including the systematic documentation of environmental crimes in accordance with international standards, which would facilitate their consideration in relevant judicial jurisdictions. A critical task is to assess the long-term consequences of war on the natural environment and to develop measures for minimizing environmental risks. The ratification of the Rome Statute marks an important step in strengthening international legal responsibility for war crimes against the environment. The future effectiveness of this mechanism will depend on the integration of international standards into Ukraine's legal system, the expansion of international cooperation, and the enhancement of national mechanisms for criminal prosecution of ecocide.

Conclusions. Organized environmental crime and war crimes against the environment pose a serious threat to both national and global environmental security. The high adaptability of criminal groups to changes in legal regulations, widespread corrupt practices, and strong economic incentives contribute to the systemic

nature of environmental offenses. Illegal logging, extraction of natural resources, and pollution of water and air are among the key areas of criminal activity that cause significant damage to natural ecosystems and lead to irreversible environmental changes. Statistical data indicate a growing number of environmental crimes, highlighting the need to strengthen criminal-law response mechanisms and enhance international cooperation.

In the context of the armed aggression of the Russian Federation, environmental crime has become particularly dangerous, as the war has caused ecosystem destruction, pollution of natural resources, landmining of territories, and damage to protected areas. The destruction of the Kakhovka Hydroelectric Power Plant, the damage to industrial facilities, and the use of environmentally hazardous warfare methods have created long-term threats that extend beyond Ukraine and have transboundary impacts. This underscores the urgent need to improve international criminal law, particularly through the recognition of ecocide as an international crime and the development of an international convention to address such offenses.

The ratification of the Rome Statute provides Ukraine with the opportunity to initiate international judicial proceedings on war crimes against the environment and contributes to the strengthening of international legal mechanisms for holding perpetrators accountable. An essential step is the harmonization of national legislation with international standards, including the establishment of unified criteria for qualifying environmental crimes and investigating them effectively. The development of a comprehensive strategy for combating environmental offenses requires enhanced international cooperation, anti-corruption measures, expansion of criminal liability for environmental crimes, and the creation of mechanisms for compensating environmental damage. The introduction of international oversight over the use of natural resources, the implementation of strict sanctions against environmental criminals, and the advancement of legal enforcement practices will help reduce the level of environmental crime and ensure sustainable development.

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