

Prosecuting Ecological Destruction: Comparative Legal Perspectives on the Crime of Ecocide

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1. Round 1

1.1. Reviewer 1

Reviewer:

The definition of ecocide provided ("unlawful or wanton acts committed with knowledge...") is presented as authoritative. Please clarify whether this is the Stop Ecocide Foundation's 2021 definition, and indicate its legal status (i.e., not yet adopted internationally).

While the article rightly credits Bolivia's "Law of the Rights of Mother Earth", it would benefit from an example of how this law has been invoked in judicial practice—are there any cases where this statute was enforced?

The discussion of African constitutions recognizing environmental rights is promising but too general. Consider citing Article 42 of Kenya's Constitution or Section 24 of South Africa's Constitution for specificity.

The sentence "Amending the Rome Statute requires a two-thirds majority..." is accurate, but a deeper explanation of Article 121 of the Rome Statute would enrich the reader's understanding of the procedural hurdles.

You state, "ecocide targets acts of extreme harm, yet it departs from these crimes in its focus on non-human victims..." This is a profound distinction. However, it would be strengthened by referencing the ICC's current limitations in recognizing environmental harm, even under war crimes provisions (e.g., Article 8(2)(b)(iv)).

The sentence "Proving the elements of ecocide... requires sophisticated environmental forensics" is important but would benefit from citing a case study or legal precedent (e.g., Shell Nigeria litigation or marine oil spills) where forensic limitations were evident.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The sentence "Rather than conducting empirical testing or statistical modeling..." would benefit from briefly justifying why a narrative review is the most suitable methodology for this legal comparative study.

The sentence "Integrating ecocide into the framework of international criminal law raises complex questions..." is very insightful, but the authors should better differentiate between state responsibility under international law and corporate criminal liability, which follow different legal pathways.

The sentence "Courts must grapple with questions such as who has standing..." should be expanded. Consider referencing specific cases where rivers or ecosystems have been granted legal personhood (e.g., Whanganui River in New Zealand).

The phrase "a necessary evolution in the global pursuit of sustainability" is value-laden. For scientific rigor, it would be preferable to cite a legal theory or framework that supports this normative shift.

The discussion on France's ecocide law (para 1) mentions the law but does not cite the exact statute or legislative text. Please provide the full name and year of the French legal reform to allow for direct reference.

The sentence "developing countries often express concern that ecocide law could be weaponized..." requires citation of concrete examples, such as official statements during Assembly of States Parties (ASP) meetings or scholarly critiques.

The authors mention Ukraine's approach to ecocide. To strengthen this point, a quotation or clause from Article 441 of the Ukrainian Criminal Code would enhance the analysis.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.