

# Global Warming as a Crime against Nature: Identifying the Principal Offenders

Aneha Kaur Combo\*

*Royal Holloway University of London, UK*

**Abstract:** This article employs a literature-based methodology, utilising green criminology literature and case examples to examine global warming through the framework of green criminology to assess whether contributions to global warming can be considered a 'crime against nature' due to their extensive environmental harm. Such environmental degradation aligns with the concept of 'ecocide', which criminalises acts that contribute to extensive damage or loss to the Earth's ecosystems. The analysis identifies states and corporations as principal perpetrators, highlighting how fossil fuel industries contribute to global warming through environmentally detrimental practices and climate misinformation campaigns. Simultaneously, the actions of the state, such as obstructing climate change policies and appointing industry-affiliated personnel to key regulatory positions, exacerbate the climate crisis. While individual consumer behaviours are also contributory, these actions are largely constrained by the systems that are heavily influenced by state-corporate interests. Reframing global warming as a crime against nature highlights the urgent need for legal accountability and systemic reform to address the climate crisis. Recognition of 'ecocide' by the International Criminal Court would enable corporate and state actors to be held accountable for their harmful contribution to global warming.

**Keywords:** Global Warming, State Criminals, Corporate Criminals, Nature, Climate Change, Ecocide, State-Corporate Crime.

## INTRODUCTION

Global warming is driving the natural environment towards catastrophic destruction (Mehta and Merz 2015). This destruction will result in irreversible changes that will harm the global biosphere (Mehta and Merz 2015). The green criminology perspective argues that the environmental harms resulting from global warming must be treated as serious crimes, given their detrimental effects on ecosystems (Kramer 2016). As a result, efforts have been made to recognise the crime of 'ecocide' to prosecute acts that contribute to global warming, reframing global warming as an international crime against nature rather than merely an environmental issue (Higgins 2010; Kramer 2016). However, to prosecute global warming as a crime against nature, responsibility must first be attributed to the principal criminals who primarily contribute to the climate crisis. It is widely asserted that governments and corporations play a central role in driving global warming by prioritising economic interests over environmental sustainability (Barak 2015). While the ordinary consumer also participates in the demand and emissions of finite fossil fuel resources, which collectively contribute to the increase in the Earth's temperature, these actions are heavily influenced by the interests of states and corporations (Agnew 2013; Ruggiero and South 2013; Zhang *et al.* 2017). This article seeks to examine whether global warming is an

example of 'crimes against nature' by exploring the definitions of 'nature' and 'ecocide' and analysing the harmful consequences of global warming on the natural environment. It will also explore key examples to demonstrate how the state and corporations are complicit in the destruction of the natural environment before assessing state-corporate collusion, whereby the interests of the state and government intersect to perpetrate crimes against nature.

## POSITIONING GLOBAL WARMING AS A CRIME AGAINST NATURE

'Nature' refers to the "phenomena of the physical world collectively, including plants, animals, landscape, and other features and products of the earth, as opposed to humans or human creations" (Knowles 2005:241). The exploitation of the Earth's natural resources and the increasing emission of greenhouse gases have resulted in global warming, wherein the Earth's climate is rising at a rate that, without appropriate and proportionate intervention, will lead to catastrophic consequences for nature (Naylor-Komyatte 2021). Such repercussions are already evident and will continue to worsen (Mehta and Merz 2015). For instance, there has been a notable rise in sea levels since the 19<sup>th</sup> century, which has increased the frequency of flooding (Mimura 2013). Additionally, the Earth's cryosphere is melting due to global warming, evidenced by a reduction in the volume of snow and ice and the shrinking of glaciers worldwide (Barak 2015). Global warming represents the destruction of the natural ecosystem (Weiskopf 2020).

\*Address correspondence to this author at the Royal Holloway University of London, UK; E-mail: Aneha.Combo.2022@live.rhul.ac.uk

By damaging the surrounding nature of the living environment, inhabitants are at risk of extinction (Agnew 2012). Global warming can therefore be seen as a prime example of 'crimes against nature'.

Efforts have been made to recognise the specific crime of 'ecocide' to allow for the prosecution of crimes against nature (Higgins 2010). While the term 'crimes against nature' refers to a broader and more rhetorical concept of environmentally destructive acts, 'ecocide' represents a formal legal construct that seeks to criminalise such acts of environmental destruction. Notably, acts that contribute to the rise in the Earth's climate fall under the conceptualisation of the crime of 'ecocide', suggesting that global warming is a prime example of a crime against nature (Barak 2015). Ecocide has been defined by Higgins (2012) as the "extensive damage, destruction to or loss of ecosystems of a given territory, whether by human agency or by other causes, to such an extent that peaceful enjoyment by the inhabitants of that territory has been severely diminished" (p. 3). Under this definition, acts of pollution dumping, deforestation and mining are considered human-made ecocide (Higgins 2012). Such acts are also the driving factors that contribute towards global warming (Singh and Singh 2016). Moreover, the concept of natural ecocide includes earthquakes, floods and rises in sea levels (Higgins 2012). Global warming exacerbates both the frequency and intensity of these natural events (Barak 2015). If implemented by the International Criminal Court (ICC), the law against ecocide would shift the perspective of global warming from simply an environmental issue to an international crime against nature (Kramer 2016). It is therefore important to uncover who the principal perpetrators of crimes against nature are, specifically those who contribute greatly to the increasing threat of global warming.

#### **IDENTIFYING THE PRINCIPAL PERPETRATORS OF ENVIRONMENTAL CRIME: STATE AND CORPORATE RESPONSIBILITY**

At the root of global warming lies the capitalist nature of our current world (White 2008). Governments and corporations are the driving forces behind global warming, continuously prioritising the economy over ecology by exploiting the Earth's finite natural resources for profit at the expense of nature (Barak 2015). There are many examples of how, separately, corporations and the state contribute to the climate crisis. However, more notably, the interests of the state and corporations intersect, which green criminologists

have argued results in state-corporate crime against nature (Ruggiero and South 2013). Before exploring this intersection, the individual roles of corporations and the state in contributing to global warming must first be discussed in isolation.

Scientists have deduced that fossil fuel corporations such as BP, Shell, and ExxonMobil contribute to the rising global warming crisis by extracting, manufacturing and distributing the Earth's natural oil and gases (Gustafson *et al.* 2020). The processes undertaken by fossil fuel companies to extract these resources and manufacture them for distribution directly affect the conservation of a healthy ecosystem (White 2013). For example, the largest contribution of greenhouse gas emissions comes from burning fossil fuels, releasing over 30,000 megatons of CO<sub>2</sub> into the atmosphere each year (Herzog-Hawelka and Gupta 2023). The greenhouse effect demonstrates the consequence of increased greenhouse gas emissions on the natural environment (Filonchyk *et al.* 2024). Thermal radiation from the sun that would normally escape into space is instead trapped and, consequently, radiated back into the Earth's atmosphere, causing an increase in the Earth's temperature (Filonchyk *et al.* 2024). This increase can trigger natural environmental disasters such as droughts, floods, extreme heat and cold snaps (Barak 2015; Cassia *et al.* 2018). Corporations, however, downplay the level of destruction that their actions cause (Barak 2015). Many corporations view their environmental crimes as normal business outcomes, refusing to acknowledge or modify their destructive practice (Ruggiero and South 2013).

Additionally, corporations have founded organisations campaigning to spread disinformation about the severity of global warming (Lynch *et al.* 2010). In 1998, major corporations, including Shell, ExxonMobil, Chevron, and The Southern Company, partnered with influential corporate think tank figures such as Myron Ebell to form the Global Climate Science Team (GCST) (Lynch *et al.* 2010). This team was composed solely of anti-global warming individuals. The "Global Science Communications Action Plan", set out by the GCST, sought to sabotage the Kyoto Protocol through the employment of anti-global warming scientists tasked with convincing the media, policymakers and the general population that the risks associated with global warming were too uncertain to warrant strict regulations on greenhouse gas emissions (Union of Concerned Scientists 2007; Lynch *et al.* 2010). Continuing these efforts, front

groups created and funded by ExxonMobil undermined and critiqued the “Arctic Climate Impact Assessment”, a report by scientists from the Arctic Council and the International Arctic Science Committee that detailed the effect global warming had on the Arctic (Lynch *et al.* 2010). Furthermore, an analysis of ExxonMobil’s climate change communications demonstrated that their paid advertisements in the New York Times from 1989-2004 predominantly cast doubt on climate change being a real and serious issue (Supran and Oreskes 2017). The advertisements also cast doubt on the notion that climate change is caused by humans and can be solved. ExxonMobil also provided funding for the American Enterprise Institute, which sought to pay scientists and economists \$10,000 to write a policy critique against the 2007 United Nations Intergovernmental Panel on Climate Change report (Lynch *et al.* 2010). Fossil fuel corporations can, therefore, be seen as principal criminals perpetrating crimes against nature as they contribute to the destruction of the natural environment through both their means of production and their attempts to discredit the science that argues that global warming is a real and serious issue that can be addressed by tackling the emissions of the fossil fuel industry.

The interests and actions of the state are also to blame for the continuing rise in the Earth’s climate and the destruction of the natural environment (Barak 2015). Historically, the United States government has obstructed regulatory attempts to implement protocols to mitigate climate change (Kramer 2016). During treaty negotiations on the 1992 United Nations Framework Convention on Climate Change, which intended to limit the global emission of greenhouse gases, the United States rejected proposals for mandatory emissions reduction commitments. Instead, the United States succeeded in making compliance with greenhouse gas reduction voluntary, undermining the goals and intention of the treaty (Kramer 2016). Moreover, Donald Trump is a notorious figure within the United States government who has significantly obstructed attempts to address global warming, claiming several times during the United States election that climate change is a hoax (Zhang *et al.* 2017). This is especially evident in Donald Trump’s withdrawal from the Paris Agreement (Zhang *et al.* 2017). The Paris Agreement was adopted in 2015 and enforced in 2016 by the Parties to the United Nations Framework Convention on Climate Change (Erickson and Brase 2019). The Paris Agreement intended to enhance the global response to climate change by ensuring the

increase in the global average temperature this century is below 2 degrees Celsius above pre-industrial levels (UNFCCC 2015). Moreover, the Paris Agreement was based on the premise that parties would make voluntary efforts to reduce their greenhouse gas emissions to mitigate climate change (Erickson and Brase 2019). Donald Trump, however, claimed that the agreement was unjust and limited the United States while enhancing the position of other nations, such as China and India (Zhang *et al.* 2017). He also believed that the agreement would harm the United States’ economy and would only re-enter the agreement if the terms of the agreement were made fairer to the United States. Donald Trump’s rationale behind refusing to agree to the terms of the Paris Agreement demonstrated his prioritisation of economic interests over environmental responsibility (Delbeke *et al.* 2019). By withdrawing from the agreement, he not only weakened global cooperation on climate action but also signalled to other nations that economic growth could take precedence over sustainability efforts (Delbeke *et al.* 2019). The state can thus be seen as a principal perpetrator of crimes against nature because it obstructs meaningful efforts to mitigate global warming.

State-corporate crime plays a pivotal role in facilitating crimes against nature, operating through the alignment of economic and political interests between governments and corporations (Ruggiero and South 2013). State-corporate crime refers to the commission of criminal acts that arise when political institutions collaborate with economic entities in the pursuit of shared objectives, leading to harmful or illegal outcomes (Ghazi-Tehrani 2018). Global warming is not merely the result of isolated wrongdoing but rather the outcome of state-corporate crime, where intentional governmental failure and corporate interests systematically intersect to perpetuate environmental harm in favour of economic prosperity (Lynch *et al.* 2010). Kramer and Michalowski (2012) propose that, regarding global warming, collusion between state and corporate actors can generate environmental harm through multiple distinct mechanisms. Firstly, state and corporate actors actively engage in the denial that global warming is the result of human activity. Additionally, state and corporate actors block efforts to mitigate greenhouse gas emissions. Thirdly, they have systematically sidelined progressive and ecologically just adaptations to climate change, preventing them from gaining meaningful traction within political decision-making processes (Kramer and Michalowski 2012).

These mechanisms are not merely theoretical; they are evident in real-world actions perpetrated by the states and corporations. Despite the Clean Air Act's 17-year-old mandate against coal burning, over 1,000 coal-burning power plants continued illegal operations, emitting pollutants into the atmosphere (Robert Francis Kennedy 2004). While the Clinton administration pursued legal action against these companies, the industry's significant political donations to George W. Bush undermined the importance of enforcing such environmental regulation. Upon taking office, Bush ordered the Justice Department and Environmental Protection Agency (EPA) to drop their lawsuits against these companies and abolish the New Source Rule, removing the legal obligation for companies to clean up their emissions (Robert Francis Kennedy 2004; Fredrickson *et al.* 2018). This instance illustrates how the interests of corporations, facilitated by mass political donations, can ultimately weaken environmental protections in government policy.

Another key demonstration of the corporate influence over government policy is evident in the appointment of industry lobbyists to key positions within regulatory agencies, specifically within the White House (Robert Francis Kennedy, 2004; Dillon *et al.* 2018). The agencies meant to protect the environment from pollution and destruction were instead led by the polluters themselves, thereby undermining the very purpose of their roles (Dillon *et al.* 2018; Robert Francis Kennedy, 2004). During the Bush administration, for example, Mark Rey, a timber industry lobbyist, was appointed as the head of the Forest Service. Additionally, Jeffrey Holmstead, a utility lobbyist with a career of representing major air polluters, was appointed to lead the Air Division of the EPA, a position that directly conflicted with the agency's responsibility to regulate pollution. Moreover, Bush appointed Harlan Watson as the Senior Climate Negotiator and Special Representative to the United States Department of State at the request of ExxonMobil (Eilperin 2005). Harlan Watson later declared that the United States would neither sign the Kyoto Protocol nor engage in negotiations involving mandatory reductions of greenhouse gas emissions. Additionally, many members of the Trump administration cabinet have prior affiliations with traditional energy companies (Zhang *et al.* 2017). Chris Wright, the chief executive of oilfield company Liberty Energy, was recently appointed by Donald Trump as the United States Secretary of Energy (Christenson 2025). Akin to Donald Trump, Wright advocates for increased levels of fossil fuel production (The Guardian 2025). The

appointment of individuals associated with greenhouse gas-emitting industries to influential administrative roles has resulted in the development of an anti-regulatory approach to global warming (Lynch *et al.* 2010). The infiltration of industry lobbyists into the government enables these corporate individuals to obstruct meaningful action that the given role intended to enact in order to create regulation that directly benefits the polluting industry and the economy of the state (Robert Francis Kennedy 2004; Lynch *et al.* 2010). Both the state and corporations prioritise the continued exploitation of the natural environment and its resources to maximise their wealth (Kramer 2016). This relationship between the state and corporations further exacerbates the growing crisis of global warming. Corporations are enabled by the state to continue their environmentally destructive practices with minimal regulatory oversight or accountability (Lynch *et al.* 2010). Therefore, states and corporations can be regarded as the principal criminals of global warming as a crime against nature. Their extensive efforts to obstruct regulation to mitigate the climate crisis have drastically contributed to the ongoing destruction and exploitation of the natural environment.

However, while it is established that states and corporations are primary contributors to global warming, the role ordinary consumer habits have in driving the climate crisis must also be acknowledged (Ruggiero and South 2013). The population's engagement with everyday tasks, such as driving fuel-powered cars, cumulatively contributes to the emission of greenhouse gases and the destruction of the natural environment (Agnew 2013). Ordinary consumers can, therefore, be considered polluters as they drive the demand for the environmentally harmful goods that fossil fuel corporations produce (Ruggiero and South 2013). However, while ordinary consumers contribute to global warming, states and corporations remain the principal perpetrators. Their policies and production practices drive widespread environmental harm, shaping the systems that encourage consumer demand for harmful goods such as fuel (Zhang *et al.* 2017). The overreliance that states and corporations have on carbon-intensive practices is indicative of a carbon lock-in system (Unruh 2000). As evidenced previously, states and corporations are heavily dependent upon carbon as a source of energy and, consequently, reluctant to invest in renewable energy sources, as this would require significant funding as well as a restructuring away from the already lucrative and successful fossil fuel industry (Unruh 2000). Carbon lock-in thus makes it difficult for the individual

consumer to adopt sustainable alternatives because options such as renewable green energy are financially inaccessible or entirely unavailable due to the lack of policy and infrastructural support (Seto *et al.* 2016). Thus, despite the contribution the ordinary consumer makes towards global warming, states and corporations are primarily responsible.

## CONCLUSION

Ultimately, it is clear that global warming is a prime example of 'crimes against nature', as the exploitation of the Earth's finite resources has led to the destruction and uninhabitability of ecosystems. States and corporations emerge as the primary perpetrators through their deliberate actions to sabotage environmental protections and prioritise economic growth over ecological sustainability. Fossil fuel corporations contribute to environmental destruction not only through their production processes but also through orchestrated campaigns of climate change denial and misinformation. Similarly, states have repeatedly obstructed meaningful climate action through policy decisions, withdrawal from international agreements, and the appointment of industry-affiliated individuals to key regulatory positions. While individual consumers contribute to environmental harm through their daily activities, their choices are fundamentally constrained by the infrastructure and systems established by state and corporate actors. Therefore, states and corporations are the principal perpetrators of 'crimes against nature'. To effectively address global warming as a crime against nature, there must be greater accountability for these principal actors and fundamental changes to the systems that allow them to prioritise economic interests over environmental preservation. One way this may be achieved is through the ICC's recognition of the crime of 'ecocide' (Mehta and Merz 2015). As defined by the ICC, 'ecocide' refers to the "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" (Stop Ecocide International 2021). In 2024, Vanuatu, Fiji, and Samoa formally submitted a proposal to amend the Rome Statute of the ICC to include ecocide as a fifth core international crime (Harvey 2024). While not yet adopted, in December 2024, the ICC's Office of the Prosecutor released a Policy Paper on Environmental Crimes, affirming its mandate to investigate and prosecute environmental damage under the Rome Statute (International Crime Court, Office of the Prosecutor 2024). The amendment to include 'ecocide'

will require the agreement of a two-thirds majority out of 125 State Parties to the Rome Statute (United Nations 1998). If successful, the recognition of 'ecocide' as an international crime would mark a significant step towards holding states and corporations accountable for their extensive contribution to global warming and environmental destruction.

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This literature review lists secondary sources and therefore research ethics do not apply here.

## CONFLICT OF INTEREST

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