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The Issues of the Harmonization of Ecocide Norms for Strengthening Environmental Security in Central Asia

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Abstract

The environmental challenges confronting Central Asia require, if not unified, a harmonized legal framework to address the region's ecological issues. This research explores the possibility of harmonizing legal norms on ecocide as a partial solution for safeguarding regional environmental security in Central Asia. The region's fragile ecosystems, characterized by drylands, transboundary waters, and biodiversity, are threatened by anthropogenic pressure and environmental degradation. This research critically assesses the legislation in Central Asia, identifying gaps and disparities in the legal treatment of ecocide - a term denoting mass and severe harm to the environment resulting from human activities. Acknowledging the shared ecological heritage and interconnectedness of Central Asian nations, the research advocates for a harmonized legal approach to ecocide. The research explores the potential role of existing regional cooperation between Central Asian countries in facilitating the harmonization process. It considers the challenges associated with legal harmonization, including different national interests, and proposes possible regional mechanisms to overcome these obstacles. This research contends that a harmonized legal approach to ecocide in Central Asia is one of the numerous ways to protect regional environmental security. By promoting cooperation, a cohesive legal approach will not only deter such threats but also preserve Central Asia's unique natural heritage.

Keywords: ecocide, environmental law, environmental security, climate change, Central Asia

Introduction

Central Asia has numerous environmental issues that directly affect people's quality of life. While the environmental issues could be solved individually, they "share" the same geographical territory with other issues, which makes the overall environmental crisis of the region not so easy to be solved.

The environmental issues may vary but the main element in regional environmental security is the same for all countries in Central Asia – national policies towards the environmental issues and the effectiveness of their implementation. The national environmental policies take the form of state laws with the aim of prevention, mitigation, and punishment in the cases of the violation of national environmental security (Tulibayev, 2022).

Currently, literature regarding regional approaches to environmental crimes lack relevant researches. The existing debates on ecocide focus on amending the Rome Statute of the International Criminal Court to establish a global norm or separate national implementation. Despite the acknowledged severity of these transboundary threats, a critical research gap remains: the current literature lacks a comprehensive comparative analysis of national ecocide laws in Central Asia aimed at identifying doctrinal inconsistencies and formulating a practical framework for regional harmonization. Existing studies primarily offer general overviews of separate cases in specific countries of Central Asia. This article seeks to address this gap by defining the differences in the actus

reus and mens rea elements among the five nations and proposing a harmonized regional definition of ecocide.

While Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan have different sets of environmental issues, the issue of ecocide or crimes similar to ecocide remains the one of the most dangerous threats to regional security (Tulibayev, 2024).

The analysis of legislation relevant to ecocide shows that these countries have different approaches to the definition of ecocide or crimes similar to ecocide. In this case, the paper proposes a draft definition of ecocide that will take into account theoretical approaches that exist in Central Asia. The originality of this paper lies in comparing Central Asian criminal codes to propose a harmonized regional definition. The harmonized definition of ecocide will allow more effective implementation of this norm, especially in the cases of transboundary damage as the result of ecocide.

Central Asia is characterized by economical and historical ties that bind countries together, so the existence of same definition of ecocide, a subsequently similar approach to this crime could theoretically lead to decreasing tensions over ecological cases.

The findings of this analysis support the idea that the existence of mutual agreement on what the crime of ecocide is may lead to more productive cooperation on other environmental issues of lesser threat. After all, the threat of ecocide is dangerous to the existence of any living beings in an affected area. If an effective and applicable approach to the cases related to ecocide exists, countries might become more agreeable to solve other environmental issues of transboundary character. For example, the issue of leaking contaminated waters into the soil of another country could receive much less legal and political resistance if there is the regional understanding that such environmental crimes are the threat to every country in Central Asia. The governments of countries will be more responsive to the request for the investigation or court trials if they know the effective resolution of an environmental case is in their mutual interest and that their rights will be respected by both parties of the dispute. The harmonized legal approach to addressing this crime, could potentially serve as a foundation for reducing interstate tensions arising from environmental disputes and ecological damage.(Tulibayev, 2024).

Methodology

This research applied a comprehensive methodology, including the analysis and the synthesis for complex legal concepts, alongside the deduction and the induction for specific legal instances. Furthermore, the legal historical comparison has been applied for the evolution of legal norms across jurisdictions. Several sources on ecocide were analyzed, including international treaties, draft conventions, national legislation, judicial practice, and doctrinal works. The research has relied on acritical examination of ratified international treaties and draft conventions; an analysis of national legislation to identify varying approaches to criminalization; a review of relevant judicial practice and case law; and an analysis of authoritative scholarly works and theoretical frameworks. Because dedicated judicial practice and case law regarding ecocide are almost non-existent in Central Asia, this study relies primarily on doctrinal interpretation. Legislative provisions are interpreted by examining how the language of national criminal codes aligns with both regional legal traditions and emerging international theoretical frameworks on environmental harm. These sources were fundamental for the evaluation of existing legal differences in the ecocide norms.

Moving beyond standard legal research methods, this study specifically structures its comparative analysis of ecocide norms around core criteria: the actus reus (prohibited acts or

omissions), the *mens rea* (the required intent or recklessness), and the specific threshold of seriousness required to classify environmental damage as an ecological catastrophe.

Findings

Central Asia has numerous natural environmental issues. Desertification is a major concern, leading to soil erosion, the loss of vegetation, and biodiversity. The region's grasslands, which are extensively used for livestock grazing, are facing biodiversity loss due to intensifying land use and climate change. Glaciers in Kyrgyzstan and across Central Asia are melting rapidly due to climate change, affecting water resources for the summer season. Anthropogenic factors can be analyzed by monitoring the level of CO₂ emission. Contemporary analysis shows dangerous levels of PM_{2.5} pollution in the most populated cities of the Central Asian region (Freedman, 2016; Tursumbayeva, 2023).

Transboundary waters are not just another set of issues, they are a call for international cooperation. The uneven distribution of water resources has not just resulted in interdependence and competition among upstream and downstream countries, but it has also highlighted the need for a unified approach. A link between water and energy issues in the region makes the management of transboundary water resources complex and a shared responsibility. Tensions related to water use from shared rivers for hydropower and irrigation are not just common, but they are barriers that prevent countries from having a harmonized approach to environmental issues. Only through international cooperation can the region effectively address these challenges (Prniyazova, 2025; Yalçın, 2022).

These issues are interconnected and pose a significant threat to the ecological balance and sustainability of the region. Especially, if policy aimed to adopting sustainable environment management practices, and policies aimed at preserving biodiversity and mitigating the effects of climate change are failed during the process of legal application. Weak legal protection, non-adherence to international laws and standards undermines all efforts (Qin, 2022).

This paper takes the crime of ecocide as an example of issues existing in the legal system of Central Asian countries. If even in the case of such dangerous threat of ecocide, the legal norm is not applied properly by law enforcement, the question must be asked whether the whole environmental protection legislation has to be reconsidered.

Different researches on ecocide norm application show that court practice in relation to this particular crime is almost not existent, existing legislation seems to provide weak deterrence for the occurrence of ecocide or crimes similar to ecocide that are widespread across the region. That can be considered as the sign of issues in legislation protection (Godwin, 2024; Wei, 2025).

It is necessary to make the comparative analysis of norm existing in the legislation of the region's countries. The first country to compare is Kazakhstan. The definition of ecocide in the Article 169 of the Criminal Code of the Republic of Kazakhstan: the mass destruction of flora or fauna, poisoning of the atmosphere, land or water resources, as well as the commission of other acts that have caused or may cause an environmental disaster or environmental emergency. This definition of ecocide in Kazakhstan is characterized by a complex nature that may affect the overall effectiveness of the norm.

The *actus reus* of ecocide is either the mass destruction of flora or fauna, the poisoning of the atmosphere, land, or water resources, or the commission of other actions that have caused or may cause an environmental disaster or environmental emergency.

These acts can be categorized as either single or cumulative acts or omissions. It rather depends on the crime's elements.

The *mens rea* of ecocide considers all types of intent of the perpetrator, including *dolus directus*, *dolus indirectus*, and *dolus eventualis*.

Offender is aware of committed acts and has intention to do them or indifferent to them. Offender foresees consequences of committed acts - the inevitability or possibility of an environmental disaster or environmental emergency, intend, allows or indifferent to them.

The Kyrgyz Republic's approach to ecocide definition. The Kyrgyz Republic has the legal norm of ecocide in its Criminal code of 2021 under the Article 409, which states the following: "Massive destruction of flora and fauna, contamination of the atmosphere or water resources, and also commission of other actions capable of causing an ecological catastrophe".

The *actus reus* of crime is the act of mass destruction of flora or fauna, contamination of the atmosphere or water resources, or the commission of other actions capable of causing an ecological catastrophe. These acts can be categorized as either single or cumulative acts or omissions.

The *mens rea* of this crime is complex, involving *dolus directus*, *dolus indirectus*, and *dolus eventualis*. In each case, the offender is aware of the acts they have committed and either intends to do them, is indifferent to them, or foresees that these acts can cause an ecological catastrophe and either intends, allows, or is indifferent to them.

Tajikistan's approach to ecocide definition. The legislation of Tajikistan has legal norm on ecocide in the Article 400. "Mass destruction of flora and fauna, poisoning the atmosphere or water resources, as well as committing of other actions which may cause ecological catastrophe".

Actus reus includes acts or omissions related to the mass destruction of flora and fauna, poisoning the atmosphere or water resources, and committing other actions that may cause an ecological catastrophe. This position can be considered similar to previous definitions.

The *mens rea* of this crime is *dolus directus*, *dolus indirectus*, and *dolus eventualis*.

The offender is aware of the acts that have been performed, and either intends to commit them again or is indifferent to them.

The offender is aware that their actions could lead to an ecological catastrophe yet either intends, enables, or is indifferent to the consequences of actions.

Turkmenistan's approach to ecocide definition. The legal system of Turkmenistan defines ecocide in the Article 175 of the Criminal Code: "Ecocide, that is, the mass destruction of flora or fauna, contamination of the atmosphere, land or water resources, as well as the committing of other actions that have caused or may cause an environmental catastrophe or environmental emergency, shall be punishable by imprisonment for a term of three to eight years".

The *actus reus* of this norm of ecocide, or the physical element of the crime, encompasses the cases of the mass destruction of flora or fauna, contamination of the atmosphere, land or water resources, and the commission of other actions that have caused or may cause an environmental catastrophe or environmental emergency.

These acts can be categorized as either single or cumulative acts or omissions.

The *mens rea* of this norm includes *dolus directus*, *dolus indirectus*, and *dolus eventualis*. The offender is aware of committed acts and intends to do them or is indifferent to them. The offender foresees the inevitability or possibility of an environmental catastrophe or environmental emergency and intends, allows, or is indifferent to them.

In the case of Uzbekistan, the overall approach and policy towards ecocide definition are limited by the fact that such crime is not considered for implementation in the Criminal code.

After careful analysis of abovementioned code, it seems that there is an alternative legal approach to ecocide. The Article 196 and the Article 198 have similar elements of ecocide crime. Therefore, both can be considered as “comparable to ecocide”

In international law, there is the example of the European Union’s policy that recognizes and criminalizes crimes comparable to ecocide (Stop Ecocide International, 2023).

The Article 196 defines environmental pollution as “contamination or damage of land, water, or atmospheric air, resulted in mass disease incidence of people, death of animals, birds, or fish, or other grave consequences”.

The *actus reus* of crime has similarity with *actus reus* of ecocide in legislations of other countries in Central Asia.

The act or omission that led to contamination or damage of land, water, or atmospheric air implies that damage, with the set of consequences, is done against the environment, as these elements of the biosphere are essential for supporting human and animal life, and their destruction directly threatens the quality and even possibility of life on the planet.

The consequences are either the mass disease incidence of people, the death of animals, or the death of a natural person. It should be mentioned that even a single death of a natural person during the mass disease incidence of people can be considered an aggravating factor.

Another interesting element of *actus reus* is the fact that animals, birds, or fish are mentioned as part of the intention to represent endangered inhabitants of the biosphere by directly naming them. Otherwise, the Criminal Code could utilize the use of collective nouns, such as fauna, as those that refer to groups of animals.

The *mens rea* takes into account all types of intent of a perpetrator, including *dolus directus*, *dolus indirectus*, and *dolus eventualis*. The offender is aware of committed acts and intends to do them or is indifferent to them. The offender foresees the consequences of committed acts, intends, allows, or is indifferent to them.

The one major issue with the Article 196 of the Criminal Code of Uzbekistan is that it does not mention flora, or flora representatives, as objects that could be damaged by acts mentioned in the article. However, the Article 198 of the same code addresses this issue at least partially.

The Article 198 mentions various illegal acts as the damage to crops, forests, or other plants, or their destruction. The Article provides numerous punishments.

While crops, forests, or other plants can represent whole flora, the Article 198 Article fails to acknowledge the fact that the contamination of flora may have occurred as a result of negligent or inadvertent behavior on the part of an individual.

The *mens rea* considers the intent of the perpetrator as *dolus directus*. The offender is aware of committed acts and has the intention to do them. The offender foresees the consequences of committed acts, intends and allows them.

A comparative review of the objective and subjective elements of ecocide reveals foundational similarities across the region, yet highlights doctrinal differences that might complicate legal harmonization. In terms of *mens rea*, Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan exhibit a unified approach: all four jurisdictions accommodate a complex mental state involving *dolus directus*, *dolus indirectus*, and *dolus eventualis*. Across these states, an offender must be aware of their destructive acts and either actively intend the resulting ecological harm or demonstrate a reckless indifference to the possibility or inevitability of a catastrophe.

Results and discussion

Before formulating the draft of an effective norm of ecocide that would define a regional approach to this crime, it is necessary to examine the approaches to the concept of ecocide taken by people involved in dedicated legal research organizations. One of these methods deserves to be considered is a proposal to include the particular definition of the crime of ecocide into the Rome Statute (Godwin, 2024; Wei, 2025; Branch, 2023).

The Independent Expert Panel for the Legal Definition of Ecocide (the Independent Expert Panel), established by the Stop Ecocide Foundation in 2020, is formed of legal researchers from around the world. The Panel engaged in five remote sessions to develop a “practical and effective” definition of ecocide and proposed it as part of an amendment to the International Criminal Court's Rome Statute (Branch, 2023).

The proposed definition of ecocide is: “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 Independent Expert Panel not only provided a definition for the term “ecocide”, but they also published comprehensive explanations for the ideas and concepts that contributed to their conceptualization of the term (Independent Expert Panel for the Legal Definition of Ecocide, 2021).

The terms “unlawful acts” and “long-term” are the part of the definition, and their implications are clear. Acts that might be defined as ecocide need to be deemed criminal according to both international and state law. Some NGOs argue that governments to deliberately abstain from categorizing a wide range of behaviors as criminal offenses in order to accomplish certain economic objectives that would be unattainable if the environment were adequately safeguarded. It is possible to make use of the legal system of a country to compel the government to recognize ecocide as a crime if the country agrees to the Rome Statute or any future agreement that contains an ecocide clause and respects the legal premise that international law is more important than its domestic laws (Branch, 2023).

The term “long-term” refers to any activity that has the potential to cause harm to health and the environment over an extended period of time. Even activities that are carried out in a similar manner will have differing impacts on the plants and animals of an ecosystem. This is due to the fact that ecosystems have unique characteristics. An extended period of time is ambiguous term as its duration has not been specified, because it is impossible to do so as the consequences of each case of ecocide are different and require different periods of time for reversion (Branch, 2023).

The “wanton acts” that the Panel indicates have a definition in the second paragraph of Article 8 as follows: “reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated”. The Panel recommended a method that would reduce the environmental harm that would occur as a consequence of meeting social requirements. Even if the social obligations of governments should take precedence over all other considerations, it is still considered to be immoral to cause more harm than is absolutely required for production (Branch, 2023).

The categorization that the Panel has devised to categorize environmental harm into two categories—widespread and severe damage as well as long-term and severe damage—is noteworthy. Furthermore, the classification of “severe” environmental damage covers the description of “grave impacts on human life, natural, cultural, or economic resources” that is provided by the Panel. The

concept of “cultural” that the Panel used in its debate is “value of elements, particularly to indigenous peoples”.

According to the definition, there has been significant harm to the ecosystem. Regardless of the extent of the damage caused by a very little environmental effect, the act of threatening "the earth, its biosphere, cryosphere, lithosphere, hydrosphere, and atmosphere, as well as outer space" would constitute a crime. There is not a single dispute that the damages need to be significant.

Additionally, the term “widespread” is explained in greater detail. When the Panel used the term “damage”, they were referring to damage that covers more than one location, cross state boundaries, or has an effect on an entire environment, species, or population. It would seem that “damage is suffered by” might entail more than just the extinction of a species; any harm that affects a significant number of persons could be considered widespread.

The specialists state that “damage that extends beyond a limited geographic area” is the definition of the situation that occurs when a catastrophe affects the whole climatic system without having a specific epicenter.

The term “environment” includes not just the biosphere but also the cryosphere, lithosphere, hydrosphere, atmosphere, and even space itself, according to the opinions expressed by the Panel. The increase in sea levels that is caused by the melting of the polar ice caps is a scientifically proven phenomenon.

The expression “knowledge that there is a substantial likelihood” is a component of the *mens rea* for the consequences of ecocide. In the case of ecocide, the offender must be aware that there is a significant chance of causing severe, widespread, or long-lasting harm.

“Wanton acts” is a term that is used to describe any behavior, including government’s policy or normative regulation, that is not driven by a clear balance of economic and social needs, as well as concerns about the environment. It should be worth mentioning that the concepts of ecocide, as defined in the criminal codes of Central Asia countries, does not take into account such a balance when determining whether or not a particular destruction was required.

Second, according to the definition provided by the Panel, the term “environment” encompasses not only the biosphere but also the cryosphere, lithosphere, hydrosphere, atmosphere, and outer space as well. Ecocide, on the other hand, is defined as a crime that only targets flora and fauna, the atmosphere, land, and water resources.

A single article contains the entirety of the proposed definition of the Panel. The definition of ecocide that is included in Kazakhstan’s Criminal Code, on the other hand, refers to legal norms or terminology that can be found in a number of different normative provisions. The Environmental Code of the Republic of Kazakhstan, for example, contains clarifications for the terms “environmental disaster” and “environmental emergency”.

The terms “environmental disaster” and “environmental emergency” become the core element of ecocide crime. Abovementioned definitions of these terms conceal in itself more complex structure than “ecological catastrophe”, because they have official definition that can affect in the end designation of particular ecological situation as ecocide.

Both terms have the term “anthropogenic impact on the environment” which refers to the effect that human activity has, either directly or indirectly, on the surrounding natural environment.

“Environmental disaster” and “environmental emergency” are at the core of ecocide crime, but it’s not that easy to declare affected areas as areas of environmental disaster or emergency. According to Article 405 of the Criminal Code, there is a set of steps that must be taken to designate certain land or water areas as places of environmental emergency or disaster.

Government establishes a commission so that an environmental emergency or environmental disaster zone can be declared.

That process makes it harder to give status to areas that are currently facing an environmental problem. There is no need for a committee to be created. The official body in charge of protecting the environment should be able to choose areas of environmental emergency or disaster if they think that is necessary. The authorized body in the field of environmental protection should not wait for the creation of commission, especially when offender will have certain time delay before investigation procedures.

The reform of the existing framework should include eliminating commission requirement or, at a minimum, allowing the authorized environmental protection authority to issue emergency declarations. Prompt recognition of emergency status is necessary in cases involving ongoing pollution, hazardous releases, or other activities with a risk of ecological catastrophe.

This explanation of ecological catastrophe tick, all elements that generally belong to definition of ecocide. While it is not a longer a part of ecocide definition, it is really close to “environmental disaster” and “environmental emergency” in their nature. Therefore, it seems necessary to analyze all instances of application of ecologic catastrophe in law. As it was mentioned ecological catastrophe still remained as part of several legal norms of the Criminal code. For example, the paragraph 3 of Article 36 - the risk is not recognized as reasonable if it was obviously associated with a threat to life or health of people, an environmental disaster, a public disaster or other grave consequences. That highlight that ecocide related consequences can be dangerous, so infliction of harm to the interests protected by the Criminal code in order to achieve a socially useful goal will be recognized as a crime.

The same with the Article 35, persons who have committed acts associated with environmental disaster cannot reason their actions as committed, in accordance with the law of the Republic of Kazakhstan, operational-search, counterintelligence activities or covert investigative actions with the aim of preventing, detecting, disclosing or investigating criminal offenses.

Even if it is desirable to have terminology that is clearly defined, there is a possibility that the Article 404 of the Environmental Code could be changed in the future without taking into the consideration the Article 169 of the Criminal Code.

It would appear that the definition of ecocide that is currently included in the criminal codes of Central Asian countries is somewhat comparable to the concept of ecocide that has been proposed by the Panel. Nevertheless, there is no unified concept of ecocide that can be considered a harmonized norm recognized by a whole region.

Based on the information provided in the sources, a draft of a harmonized definition of ecocide for the protection of regional environmental security in Central Asia could be formulated as follows: Ecocide are unlawful acts or omissions, committed intentionally or with reckless disregard, that cause or are substantially likely to cause an ecological catastrophe, characterized by the massive destruction of flora or fauna, or the severe contamination of the atmosphere, land, or water resources.

This proposed includes the mens rea element (intentionally or with reckless disregard) and addresses unlawfulness (unlawful acts or omissions). Second, it clarifies that both acts and omissions are included. Third, it specifies the threshold of seriousness by directly linking the conduct to an ecological catastrophe and severe contamination. Finally, this formula is argued to be most adapted version of ecocide definition for the specific context of Central Asia because it explicitly utilizes the terminology already existed in the region’s national criminal codes (e.g., mass destruction of flora and fauna, ecological catastrophe), thereby making regional adoption legally and practically more feasible.

The draft seeks to promote the mutual interest and respect of the rights of Central Asian countries in the process of resolve environmental disputes.

There are several important phases to complete in order to achieve the potential harmonization process for implementing the ecocide norm. The process of harmonization should include prevention measures, enforcement procedures, and compensating mechanisms for ecocide violations, in addition to a uniform definition of ecocide that is regarded and recognized by all Central Asian nations. This, if put into action, will ensure that all parties involved, even legal entities like large businesses, face the same approach and repercussions when engaging in actions that cause or threaten ecocide.

In addition, the process of harmonization needs to take into account the challenges that are encountered during the process of legal harmonization. These challenges include the existence of a variety of national interests. It would be necessary to identify of these challenges and develop strategies to overcome them, such as through diplomatic negotiations and the establishment of mutual interests in the protection of the environment.

Cooperation with one another through regional mechanisms could theoretically allows countries to more effectively address transboundary ecological threats and preserve the region's unique natural heritage. Therefore, regional institutions and legal mechanisms for environmental protection can be created in the form of regional courts and tribunals. These institutions might have the potential to play a significant part in the management of transboundary issues by means of providing a platform for negotiation, the resolution of disputes, and the coordination of policies.

The regional courts, trade dispute mechanisms, and environmental compliance committees that work under multilateral environmental agreements are examples that demonstrates that regional and global international institutions can protect the rule of law on national level. In the environmental sphere, where shared ecosystems require cooperation, such mechanisms may develop mutual trust, rational utilization of resources, and the obligation not to cause significant transboundary harm.

Countries are likely to be more responsive to requests for investigations or court trials when they recognize that the effective resolution of an environmental case is in their mutual interest. Regional environmental court should be based on respect to the principles of sovereignty, equality, and non-interference. Countries need to be confident that their territorial integrity and political independence will be upheld, and that they will have an equal opportunity to present their case and challenge any allegations (Tulibayev, 2024).

It should be easy to consider applying a similar technique to future cross-border environmental problems if a coordinated regional approach for combating ecocide has been put into place and has been shown to be successful. It is possible that it will demonstrate that countries have the ability to develop solutions that safeguard not just their own interests but also the ecological balance in the region, and that the harmonization of legislation is not only achievable but also beneficial.

The idea of nations opening themselves towards possibilities of data exchange, policy alignment, and shared policy control over the management of natural resources is becoming more attractive.

Conclusions

In conclusion, it is essential to reiterate the importance of implementing a harmonized definition of ecocide in the legal systems of Central Asian countries. It is the foundation of the region's environmental security and the distinctive natural heritage of its people.

The main issue, as mentioned in one of the sections of the paper, is the interconnected nature of environmental problems in the region. This requires the development of a harmonized legal approach to environmental issues, as well as international cooperation, to effectively address at least the issue of ecocide.

The issue of ecocide requires the states of the region not just to adopt a harmonized legal definition of this crime, but also to establish coordinated measures, such as implementing sustainable land management, protecting biodiversity, and developing state policies aimed at mitigating climate change. Given that cases of ecocide and the consequences of climate change are not confined by territorial borders, the corresponding response must likewise be transboundary in nature, thereby requiring interstate legal and institutional cooperation.

The suggested definition of ecocide should include the same legal elements of the offense as it was recognized in the national criminal legislations of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan.

The establishment of effective and joint legal approach to ecocide issue may serve as a stepping stone to develop further effective legal cooperation in Central Asia, particularly concerning environmental issues. By demonstrating the potential benefits of legal harmonization of ecocide, its positive experience could encourage government of Central Asian countries to cooperate. While harmonization alone cannot resolve international disputes arising around international ecological crimes, it provides a necessary legal framework that could contribute to peace, stability, and sustainable development in the region.

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Аңдатпа

Орталық Азияның алдында тұрған экологиялық сын-қатерлер аймақтық экологиялық мәселелерді шешу үшін үйлестірілген құқықтық жүйені талап етеді. Бұл зерттеуде экологиялық қауіпсіздікті қамтамасыз етудің бір тетігі ретінде экоцидке қатысты құқықтық нормаларды үйлестіру мүмкіндігі қарастырылады. Құрғақ аумақтар мен трансшекаралық су ресурстарын қамтитын Орталық Азия экожүйелері антропогендік өзгерістер мен қоршаған ортаның тозуы салдарынан қауіп-қатерге ұшырауда. Мақалада Орталық Азия мемлекеттерінің заңнамасына сыни талдау жүргізіліп, экоцидті — адамның әрекеті нәтижесінде табиғатқа келтірілетін жаппай зиянды білдіретін терминді — құқықтық

тұрғыда реттеудегі қайшылықтар айқындалады. Аймақтың ортақ экологиялық кеңістігі мен мемлекеттердің өзара байланысын ескере отырып, зерттеу экоцидке қатысты келісілген құқықтық көзқарас әзірлеу қажеттілігін негіздейді. Сонымен қатар, Орталық Азия елдері арасындағы құқықтық нормаларды үйлестіру процесіне ықпал ете алатын өңірлік ынтымақтастық тетіктерінің әлеуетіне ерекше назар аударылады. Бұл ретте құқықтық үйлестірумен байланысты қиындықтар, соның ішінде ұлттық мүдделердегі айырмашылықтар қарастырылып, оларды еңсерудің ықтимал өңірлік механизмдері ұсынылады. Автордың қорытындысы бойынша, Орталық Азиядағы экоцидті құқықтық реттеуге бірыңғай көзқарас аймақтық экологиялық қауіпсіздікті қорғаудың тиімді жолдарының бірі болып табылады. Келісілген құқықтық реттеу экологиялық қатерлердің алдын алуға ғана емес, сонымен бірге Орталық Азияның бірегей табиғи мұрасын сақтауға да ықпал етеді.

Кілт сөздер: экоцид, экологиялық құқық, экологиялық қауіпсіздік, климаттың өзгеруі, Орталық Азия

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Вопросы гармонизации нормы экоцида для улучшения экологической безопасности в Центральной Азии

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Аннотация

Экологические вызовы, с которыми сталкивается Центральная Азия, требуют, если не единой, то по крайней мере согласованной правовой основы для решения региональных экологических проблем. Настоящее исследование рассматривает возможность гармонизации правовых норм об экоциде как одного из частичных решений задачи обеспечения экологической безопасности региона. Хрупкие экосистемы Центральной Азии, включающие засушливые земли, трансграничные водные ресурсы, подвергаются угрозе вследствие антропогенного давления и деградации окружающей среды. В работе проводится критический анализ законодательства государств Центральной Азии, выявляются пробелы и несоответствия в правовом регулировании экоцида — термина, обозначающего массовый ущерб окружающей среде, причинённый деятельностью человека. Учитывая общее экологическое пространство и взаимосвязанность государств региона, исследование обосновывает необходимость выработки согласованного правового подхода к экоциду. Особое внимание уделено потенциалу механизмов регионального сотрудничества между странами Центральной Азии, способных способствовать процессу гармонизации норм законов. При этом рассматриваются трудности, связанные с правовой гармонизацией, включая расхождение национальных интересов, а также предлагаются возможные региональные механизмы их преодоления. Автор приходит к выводу, что единый правовой подход к регулированию экоцида в Центральной Азии представляет собой один из эффективных способов защиты региональной экологической безопасности. Согласованное правовое регулирование будет способствовать не только предупреждению экологических угроз, но и сохранению уникального природного наследия Центральной Азии.

Ключевые слова: экоцид, экологическое право, экологическая безопасность, изменение климата, Центральная Азия

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