Protection of the Environment for Posterity: Recognizing Ecocide as a Crime in Africa and other Places

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Abstract

This paper discusses how the ideal of sound environmental protection can be attained by recognizing ecocide as a crime in Africa and other places. The paper observes that in light of unlawful and harmful acts that are causing widespread and long-term damage to the environment, there is need to strengthen environmental protection through criminal law. The paper conceptualizes the crime of ecocide and its efficacy in strengthening environmental protection. It also discusses the progress made towards recognizing ecocide as a crime in Africa and other places and challenges thereof. The paper also suggests how the crime of ecocide can be effectively codified and prosecuted in Africa and other places in order to strengthen environmental protection for Sustainable Development.

1.0 Introduction

Sound environmental protection is a prerequisite for Sustainable Development. For instance, a clean, healthy and sustainable environment provides the resources necessary for human life and well-being now and in the future including clean air, water, energy, fertile soil necessary for food production, and a stable climate[1]. In addition, the environment also supports vital economic activities including agriculture, tourism, mining, fishing, energy production among others which sustain livelihoods and foster economic growth towards human progress and development[2]. Consequently, it has been has been observed that without a clean, healthy and sustainable environment, human beings are unable to fulfill their aspirations thus undermining human

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[1] European Environment Agency., 'Caring for the Environment is Caring for Ourselves' Available at https://www.eea.europa.eu/en/newsroom/editorial/editorial-caring-for-the-environment#:~:text=It%20gives%20us%20clean%20air,harm%20our%20own%20well%2Dbeing (Accessed on 10/11/2026)

[2] Ibid

rights, dignity and progress[3]. Since the environment contains virtually all ingredients required to sustain human beings, a threat to the right to a clean, healthy and sustainable environment can potentially hinder attainment of fundamental human rights including the right to food, water, health, sanitation and development among others[4].

However, despite its role in supporting human rights, progress and development, the natural environment is often susceptible to human action such overexploitation of natural resources including land, water, forests, minerals and energy[5]. Unsustainable human activities are resulting in environmental challenges including climate change, pollution, environmental degradation, destruction of ecosystems and loss of biodiversity which threaten environmental sustainability[6]. The United Nations Environment Programme (UNEP) observes that in light of the mounting environmental problems facing the planet including the triple planetary crisis of climate change, biodiversity loss, and pollution, it has become imperative to forge a new relationship between people and the planet in order to achieve sustainability[7]. Protection of the environment is therefore necessary towards promoting Sustainable Development for the benefit of current and future generations.

This paper discusses how the ideal of sound environmental protection can be attained by recognizing ecocide as a crime in Africa and other places. The paper observes that in light of unlawful and harmful acts that are causing widespread and long-term damage to the environment, there is need to strengthen environmental protection through criminal law. The paper conceptualizes the crime of ecocide and its efficacy in strengthening environmental

[3] Office of the United Nations High Commissioner for Human Rights., 'About Human Rights and the Environment' Available at https://www.ohchr.org/en/special-procedures/sr-environment/about-human-rights-and-environment#:~:text=All%20human%20beings%20depend%20on,unable%20to%20fulfil%20our%20aspirations (Accessed on 10/11/2026)

[4] Muigua. K., 'Recognising a Human Right to Safe, Healthy and Sustainable Environment.' Available at http://kmco.co.ke/wp-content/uploads/2021/04/Recognising-a-Human-Right-to-Safe-Healthy-and-Sustainable-Environment-Kariuki-Muigua-1st-April-2021.pdf (Accessed on 10/11/2026)

[5] Muigua. K., 'Utilising Science and Technology for Environmental Management in Kenya.' Available at http://kmco.co.ke/wp-content/uploads/2020/04/Utilising-Science-and-Technology-for-EnvironmentalManagement-in-Kenya.pdf (Accessed on 10/11/2026)

[6] Ibid

[7] United Nations Environment Programme., 'The Triple Planetary Crisis: Forging a New Relationship Between People and the Earth' Available at https://www.unep.org/news-andstories/speech/tripleplanetary-crisis-forging-new-relationship-between-people-and-earth (Accessed on 10/11/2026)

protection. It also discusses the progress made towards recognizing ecocide as a crime in Africa and other places and challenges thereof. The paper also suggests how the crime of ecocide can be effectively codified and prosecuted in Africa and other places in order to strengthen environmental protection for Sustainable Development.

2.0 Examining the Crime of Ecocide and its Role in Protection of the Environment

Ecocide refers to the act of deliberately harming the environment[8]. In particular, ecocide has been described as 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 such acts[9]. Further, it has been observed that ecocide entails grievous acts of environmental harm[10]. Ecocide entails extensive damage to, destruction of or loss of ecosystem(s) 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 or will be severely diminished[11].

It has been observed that ecocide consists of acts which threaten the security of the planet by causing widespread, long-term and severe damage to the air, atmosphere, earth, water, aquatic environment, fauna or flora or their ecological function; or death, permanent disability or serious incurable disease to a population or if they dispossess a population the long-term of their land, territory or resources[12]. Ecocide covers acts of environmental damage and degradation including greenhouse gas emissions, deforestation, biodiversity loss, water pollution, soil depletion, overfishing, industrial farming, and oil spills[13]. It criminalises any activity leading to widespread, long-term or severe loss, damage or destruction of ecosystems, including ways of life dependent on those ecosystems[14].

[8] Jenish. A., 'Explainer: What is Ecocide and is it Treated in International and Domestic Law?' Available at https://earth.org/explainer-what-is-ecocide-and-how-is-it-treated-in-international-and-domestic-law/ (Accessed on 11/11/2026)

[9] Stop Ecocide International., 'Legal Definition of Ecocide' Available at https://www.stopecocide.earth/legal-definition (Accessed on 11/11/2026)

[10] What is ecocide and could it become a crime under international law?., Available at https://www.theguardian.com/environment/2025/may/28/what-is-ecocide-and-could-it-become-a-under-international-law (Accessed on 11/11/2026)

[11] Ibid

[12] The Promise Institute for Human Rights., 'International Criminal Law & the Protection of the Environment' Available at https://promiseinstitute.law.ucla.edu/wp-content/uploads/2022/02/Report-of-the-Expert-Workshop-ICL-and-environment-v2.pdf (Accessed on 11/11/2026)

[13] Khimba. J.,& Dyson. C., 'Stop Ecocide: Change the Law' Available at https://www.themarinediaries.com/tmd-blog/stop-ecocide-change-the-law (Accessed on 11/11/2026)

[14] Ibid

With the world witnessing mounting environmental challenges, ecocide has received widespread recognition and awareness. For example, UNEP notes that abuse of the environment is one of the largest criminal activity in the world[15]. It has been observed tha environmental crimes including illegal trade in wildlife; illegal, unregulated and unreported fishing; trade in and dumping of hazardous waste and chemicals; and illegal logging are on the rise all over the world fuelling widespread and long-term damage to the environment and ecosystems with severe impacts on people and planet[16]. These crimes cause considerable damage to biodiversity and ecosystems, increase the risk of disease and environmental disasters, while also fueling pollution, wildlife degradation, and increased rates of human morbidity[17]. Environmental crimes have adverse impacts on people and planet since they fuel biodiversity loss and depletion and degradation of natural resources impacting ecosystem health and livelihoods of people who depend on these resources[18].

In addition, the environment is a silent victim of armed wars and conflicts happening across the world. The United Nations observes that while the human cost of armed conflict and war is undeniable and profound, the environment also suffers immense and often-overlooked consequences[19]. For example, conflicts disrupt ecosystems, deplete natural resources, pollute the environment, and jeopardize the health of our planet with severe impacts on both current and future generations[20]. During armed conflicts, atrocities such as attacking industrial sites including nuclear facilities and setting fire to oil fields lead to environmental damage through chemical contamination and release of toxic fumes into the air[21]. Further, it has been observed that parties

[15] United Nations Environment Programme., 'Environmental Crime' Available at https://www.unep.org/en/news-and-stories/story/environmental-crime (Accessed on 11/11/2026)
[16] Environmental Compliance Institute., 'Environmental Crimes' Available at https://www.eci-africa.org/programs/environmental-crimes/ (Accessed on 11/11/2026)
[17] Environmental Crimes., Available at https://business.esa.int/funding/invitation-to-tender/environmental-crimes (Accessed on 11/11/2026)
[18] United Nations Office on Drugs and Crime., 'Environmental Crime: A threat to Our Future' Available at https://www.unodc.org/documents/NGO/EIA_Ecocrime_report_0908_final_draft_low.pdf (Accessed on 11/11/2026)
[19] United Nations., 'How Conflict Impacts our Environment' Available at https://www.un.org/en/peaceandsecurity/how-conflict-impacts-our-environment (Accessed on 11/11/2026)
[20] United Nations Environment Programme., 'Rooting for the environment in times of conflict and war' Available at https://www.unep.org/news-and-stories/story/rooting-environment-times-conflict-and-war (Accessed on 11/11/2026)
[21] Ibid

to armed conflicts and wars often employ tactics such as polluting water resources, torching down crops, destroying forests, poisoning soils, and killing animals in order to gain military advantage causing widespread environmental harm and damage[22]. Armed conflicts usually lead to environmental degradation and destruction, with long-lasting effects that contribute to the increased vulnerability of the affected populations[23].

Further, unsustainable corporate activities are causing widespread and long-term damage to the environment with negative impacts on people and planet. For example, unstainable extraction and use of natural resources including land, water, forests, minerals, oil and gas by corporations contributes to deforestation, biodiversity loss and resource scarcity[24]. In addition, it has been observed that industrial and energy-producing companies generate a massive share of global greenhouse gas emissions which contribute to climate change[25]. Further, corporate operations, supply chains and disposal of products has been linked to the global environmental problem of pollution and waste[26].

From the foregoing, it emerges that environmental crimes, impacts of armed wars and conflicts, and unsustainable corporate activities can lead to widespread and long-term damage to the environment with severe impacts on people and planet. Consequently, it has become necessary to recognise and prosecute ecocide as a crime in Africa and other places in order to strengthen environmental protection for posterity. According to UNEP, adopting ecocide as an international crime will offer new solutions, approaches, and ideas to environmental problems facing the planet including the triple planetary crisis of climate change, pollution, and biodiversity loss by

[22] Geneva Environment Network., 'Protecting the Environment in Armed Conflict' Available at https://www.genevaenvironmentnetwork.org/resources/updates/protecting-the-environment-in-armed-conflict/ (Accessed on 11/11/2026)
[23] Ibid
[24] Haddaway. N et al., 'Evidence of the impacts of metal mining and the effectiveness of mining mitigation measures on social–ecological systems in Arctic and boreal regions: a systematic map protocol' Available at https://environmentalevidencejournal.biomedcentral.com/articles/10.1186/s13750-019-0152-8 (Accessed on 11/11/2026)
[25] United Nations Environment Programmee., 'Why does Extractives Matter?' Available at https://www.unep.org/explore-topics/extractives/why-does-extractives-matter#:~:text=But%20the%20economic%20benefits%20come,has%20caused%20significant%20water%3B%20pollution (Accessed on 11/11/2026)
[26] Haddaway. N et al., 'Evidence of the impacts of metal mining and the effectiveness of mining mitigation measures on social–ecological systems in Arctic and boreal regions: a systematic map protocol' Op Cit

putting the environment at the front and recognizing the rights of nature[27]. Ecocide provides an effective tool of protecting the environment and delicate ecosystems and communities that depend on them from deliberate acts of willful destruction[28].

In particular, it has been observed that criminalizing ecocide provides a practical tool towards strengthening environmental protection in Africa[29]. For instance, it has been pointed out that environmental crimes including illegal logging, unregulated fishing, the trafficking and dumping of toxic waste, rampant sand mining and illegal wildlife trading are growing in Africa benefiting criminal organizations while destroying the environment and undermining efforts towards Sustainable Development[30]. In addition, armed conflicts are also responsible for a wide range of environmental damages in Africa such as large-scale massacres and illicit trafficking of wildlife and endangered species, overexploitation of forests, degradation of protected areas, dumping of hazardous military waste, destruction of agricultural land, and water poisoning among others[31].

In light of the foregoing, it is imperative to recognize ecocide as a crime in Africa and other places in order to promote sound environmental protection for posterity.

3.0 Recognizing Ecocide as a Crime in Africa and other Places

With environmental crimes, armed wars and conflicts and unsustainable corporate activities fuelling long-term and widespread environmental damage, there is need to recognize and prosecute ecocide as a crime in Africa and other places in order to strengthen environmental protection for posterity. There have been calls to adopt ecocide as a basis of criminalizing mass damage and destruction to the environment and ecosystems due to unsustainable human

[27] United Nations Environment Programme., 'How New Laws could Help Combat the Planetary Crisis' Available at https://www.unep.org/news-and-stories/story/how-new-laws-could-help-combat-planetary-crisis (Accessed on 11/11/2026)

[28] Jenish. A., 'Explainer: What is Ecocide and is it Treated in International and Domestic Law?' Op Cit

[29] Stop Ecocide International., Africa., Available at https://www.stopecocide.earth/africa#:~:text=ECOCIDE%20is%20broadly%20understood%20to,we%20now%20face%20across%20Africa (Accessed on 11/11/2026)

[30] Institute for Security Studies., 'Africa Should Consider Criminalising Ecocide' Available at https://issafrica.org/iss-today/africa-should-consider-criminalising-ecocide (Accessed on 11/11/2026)

[31] African Development Bank Group., 'Nexus Conflict and Sustainability: An African Perspective' Available at https://blogs.afdb.org/climate-change-in-africa/nexus-conflict-and-sustainability-an-african-perspective-363#:~:text=Armed%20conflicts%20are%20responsible%20for,agricultural%20land%2C%20water%20poisoning%2C%20among (Accessed on 11/11/2026)

activities[32]. It has been observed that regulatory approaches to environmental protection feel insufficient in the face of mounting environmental challenges including the triple planetary crisis of climate change, pollution, and biodiversity loss[33]. For example, currently, environmental regulation in most countries is dealt with through civil law[34]. However, it has been observed that civil law can be inadequate in protecting the environment due to its limited remedies that include injunctions, damages, compensation, and environmental restoration orders[35]. For example, powerful individuals and large corporations can get away with such remedies and continue with acts that fuel environmental harm and damage[36]. However, it has been observed that under criminal law, individuals of superior responsibility can be prosecuted, creating a genuine deterrent to environmental damage and enhancing environmental protection[37].

Consequently, there is need to recognize and prosecute ecocide as a crime in Africa and other places in order to strengthen environmental protection through criminal law. At the global level, there is growing momentum for the recognition of ecocide as potential international crime in order to ensure its prosecution before the International Criminal Court (ICC)[38]. In particular, there are proposals to amend the Rome Statute in order to recognise ecocide as an international crime[39]. If adopted, ecocide will become the fifth category of crime to be prosecuted under the ICC alongside war crimes, crimes against humanity, genocide, and the crime of aggression[40]. It has been argued that embracing ecocide as an international crime will enhance corporate accountability in environmental governance, promote a shift away from anthropocentrism, and

[32] World Economic Forum., 'What is ecocide and which countries recognize it in law?' Available at https://www.weforum.org/stories/2021/08/ecocide-environmental-harm-international-crime/ (Accessed on 11/11/2026)
[33] Hamilton. R., 'Criminalizing Ecocide' Available at https://digitalcommons.wcl.american.edu/facsch_lawrev/2247/ (Accessed on 11/11/2026)
[34] Khimba. J.,& Dyson. C., 'Stop Ecocide: Change the Law' Available at https://www.themarinediaries.com/tmd-blog/stop-ecocide-change-the-law (Accessed on 11/11/2026)
[35] Ibid
[36] Ibid
[37] Ibid
[38] Sluiter. G., van Straaten. B., & Schuster. A., 'Ecocide as an International Crime? Perspectives on Prosecution at the ICC and in the Netherlands' Available at https://link.springer.com/chapter/10.1007/978-94-6265-715-1_6 (Accessed on 11/11/2026)
[39] United Nations Environment Programme., 'Observations on the Scope and Application of Universal Jurisdiction to Environmental Protection' Available at https://www.un.org/en/ga/sixth/75/universal_jurisdiction/unep_e.pdf (Accessed on 11/11/2026)
[40] Ibid

provide the potential of strict liability to enhance deterrence and address the urgency of crossing planetary boundaries[41].

It is therefore necessary to recognize ecocide as an international crime under the Rome Statute in order to ensure its prosecution before the ICC towards sound environmental protection. It has been argued that recognizing ecocide as a core international crime has the potential to prevent humanity from the effects of armed hostilities and conflict situations as well as protect the environment from being damaged during both conflict situations and in times of peace[42]. This approach also provides a tool for prosecuting environmental crimes that fall outside national laws therefore strengthening transboundary environmental protection[43]. Consequently, there is need for global collaboration and cooperation in order to fast-track efforts to amend the Rome Statute towards recognizing ecocide as an international crime.

In addition to global efforts, regional initiatives in Africa can play a key role towards strengthening environmental protection through ecocide. For example, African counries have been urged to consider ratifying the proposal to amend the Rome statute towards recognizing ecocide as them fifth international crime[44]. Through this, Africa can strengthen its voice in global environmental governance by demonstrating the continent's willingness to curb acts that fuel widespread and log-term harm to the environment. In addition, bodies such as the African Union (AU) can support efforts towards criminalizing ecocide including through developing continental guidelines and regulations on ecocide law[45]. Further, at national levels, it is imperative for African countries to criminalize ecocide through their national Constitutions and statutes in order to strengthen environmental protection through criminal law[46].

[41] Ecocide as a Separate Crime under the Rome Statute: A Legal Analysis of the Discourse., Available at https://journals.sagepub.com/doi/10.1177/18785395251351171 (Accessed on 11/11/2026)
[42] Van Uhm. D., '22 Atrocity Crimes and Ecocide: Interrelations between Armed Conflict, Violence, and Harm to the Environment' Available at https://academic.oup.com/edited-volume/42558/chapterabstract/357099488?redirectedFrom=fulltext (Accessed on 11/11/2026)
[43] Ibid
[44] Stop Ecocide International., Africa.,
[45] Otunge. D., 'ELI Report should Inspire Africa into Speedy Action Against Ecocide' Available at https://scienceafrica.co.ke/2023/03/08/eli-report-should-inspire-africa-into-speedy-action-against-ecocide/ (Accessed on 11/11/2026)
[46] Ibid

Through the foregoing, it is possible to effectively utilize ecocide as a tool for sound environmental protection and Sustainable Development.

4.0 Conclusion

With the world witnessing mounting and alarming acts that fuel widespread and long-term environmental damage and harm, there is need to strengthen environmental protection for Sustainable Development. In particular, ecocide provides an effective tool towards strengthening environmental protection through criminal law. It is therefore necessary to recognize ecocide as a crime both globally and in Africa towards strengthening environmental protection for posterity.

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