HUMAN RIGHTS AND CRIMINALISING ECOCIDE: ADDRESSING THE IMPACTS OF ENVIRONMENTAL HARM ON HUMAN WELL-BEING*

Abstract

Instances of severe, long-term, and large-scale environmental damage, which constitute *ecocide*, have been globally rampant. The paper explores human rights and the criminalisation of ecocide as legal measures to combat this crisis. Adopting the doctrinal research method, the paper examines the recognition of the right to clean and healthy environment and criminalisation of ecocide across international, regional, and municipal jurisdictions. It finds that while the right to a clean and healthy environment has gained wide recognition internationally, regionally, and municipally, the crime of ecocide is yet to be so recognised. An amendment proposal for its global recognition and inclusion in the *Rome Statute* has been moved by Vanuatu, Fiji, and Samoa, and supported by the Democratic Republic of Congo. At the regional level, only Europe has recognised the crime of ecocide by its inclusion in the *Directive on Protection of the Environment through Criminal Law* as well as the *Convention on the Protection of the Environment through Criminal Law*. Moreover, in the municipal domain, it has been sparsely recognised by a few States. To bridge this gap, the paper recommends the universal criminalisation of ecocide as well as the domestic constitutionalisation of the right to clean and healthy environment. The paper concludes that a double-pronged approach of employing human rights and criminalising ecocide should be deployed in combating ecocide and environmental degradation generally, understanding that ecocide law can hold corporate executives accountable in ways that employment of human rights mechanism alone cannot.

Keywords: Anthropogenic, Constitutionalize, Criminalisation, Degradation, Ecocide, Environmental Harm.

* OKWEZUZU, Gaius Emamuzou M.A., MLD, LL.M., Ph.D, BL, Executive Director, End Ecocide Nigeria; Professor & Head, Department of Public and International Law, Faculty of Law, Ajayi Crowther University, P.M.B. 1066, Oyo, Oyo State, Nigeria. Email: ge.okwezuzu@acu.edu.ng

1. Introduction

On a daily basis, damage is done to the environment by human beings, and when it is extreme, it is called *ecocide* – severe, protracted, and extensive environmental harm. Ecocide and indeed ecocidal activities in diverse climes all over the world make the earth to bleed, threatening human well-being and survival. From the oil spills and gas flaring in the Niger Delta of Nigeria to the Alberta Tar Sands in Canada; the Belo Monte Dam in Brazil; the Fukushima Nuclear Disaster Debris in Japan, to the disappearance of the Aral Sea in Central Asia, ecocidal hotspots litter and threaten our only life-bearing planet – Earth.

These ecocidal hotspots and other instances of ecocide indeed impact negatively on human well-being as life is threatened, human health is jeopardized, sources of food supply are damaged, potable water is polluted, and places of human habitation are destroyed, among other bizarre effects, resulting in many and varied violations of human rights. The human rights violated are *inter alia* rights to life, health, food, potable water, and housing, besides the right to a clean and healthy environment.
This bizarre situation calls for urgent legal measures to address the contemporary challenge of ecocide on earth if we must live in and enjoy a clean, healthy and satisfactory environment and leave same for future generations to dwell in and enjoy.

Oldring and Mackintosh have revealed as follows:

> … there is now a deeper understanding that human rights and the protection of the environment are closely interrelated imperatives, and not separate or even opposing goals. Whilst the protection of the environment is a necessary enabling condition for the effective enjoyment of human rights, protecting human rights can help to protect ecosystems and prevent serious damage to the environment.[1]

It has been further stated that using a human rights lens to look at extreme environmental damage helps deepen our understanding of the vastly

[1] Lisa Oldring and Kate Mackintosh, "The Crime of Ecocide through Human Rights: A New Tool For Climate Justice" International Crimes Database, Brief 27, May 2022, 2.

disproportionate impact of ecocide on vulnerable and marginalised communities.[2]

It has been stated that the existing legal framework does not possess the necessary tools to stop the widespread degradation of ecosystems caused by dangerous industrial activity.[3] Therefore, "new tools are needed to safeguard not only our present and in particular future generations' rights, but also the rights of nature itself."[4] Hence, it has been suggested that "the inclusion of a crime of ecocide as an International Crime against Peace" is one possible legal tool.[5]

The paper is divided into five parts. Part 1 introduces the work; Part 2 looks at the human rights approach to addressing environmental harm on human well-being as well as the recognition of environmental rights at international, regional, and local levels; Part 3 examines the ecocide perspective in dealing with environmental harm on human well-being, focusing on efforts to criminalise ecocide at international and regional levels as well as local jurisdictions; Part 4 dwells on the peculiarities and advantages of the ecocide approach to addressing the impact of environmental harm on human well-being, while Part 5 consists of the conclusion and recommendations.

2. The Human Rights Approach to Addressing Environmental Harm on Human Well-Being

When the environment is damaged, the well-being of human beings is adversely impacted and certain human rights are violated. The impact of environmental harm can therefore be viewed through the lens of human rights.

2.1 *The Nexus between Human Rights and the Environment*

It is established and indeed indubitable that there is a link between human rights and the environment. Ziemer has asserted that establishing a nexus between human rights and the environment engenders a rights-based approach

2 Ibid.

3 Prisca Merz, Valérie Cabanes, Emilie Gaillard. "Ending Ecocide - the Next Necessary Step in International Law." Paper prepared for the 18th Congress of the International Association of Democratic Lawyers on 6th April, 2014, 1.

4 Ibid.

5 Ibid.

to protecting the environment which places the people adversely affected by environmental harm at its core. Expressing the basic environmental rights of peoples gives room for protecting those rights through human rights organisations in an international arena.[6] The learned scholar further stated that this has particular force for peoples who are most vulnerable to environmental damage and "least able to access political remedies within their own countries."[7]

Furthermore, Bell and McGillivray have revealed that the talk of "rights" with its inherent certainty and enforceability appears to be much more attractive.[8] The learned scholars also asserted that if an individual or a people have a right to a clean environment, that right can be the basis to successfully stand against a political resolution to site a project such as a road that violates those rights; and a decision reached in the interest of the economy can thus be overruled by the right.[9]

Downs has also expressed the view that where the natural environment is harmed and polluted to the degree that it jeopardizes life, health, food, shelter, and minimum work standards, it also constitutes a menace to recognised human rights; and where people must strive to acquire "the basic necessities of life, political freedoms and human rights may appear meaningless to them."[10] The devastation of life-sustaining ecosystems, the contamination of the earth's water, land, and air, the failure to control the earth's wastes, and other environmental challenges hinder people from safe-guarding the minimum necessities for health and continued existence, thereby hindering the successful exercise and enjoyment of human rights for much of the global community.[11]

6 L S Ziemer, "Application in Tibet of the Principles on Human Rights and the Environment," *Harvard Human Rights Journal,* [2001] 14, 234-235.

7 Ibid.

8 Stuart Bell and Donald McGillivray, *Environmental Law*. (6th ed., Oxford University Press, 2006) 15.

9 Ibid.

10 Ibid.

11 See J A Downs, "A Healthy and Ecologically Balanced Environment: An Argument for a Third Generation Right" *Duke J. Comp. & Int'l L.* [Spring, 1993] 3, 352.

2.2 *Recognition of Environmental Rights in International Law*

Environmental law as a branch of law evolved as a collection of rules that grew intermittently as a random and piecemeal response to specific environmental problems, but has now attained some level of uniformity in that it has a clear and cohesive philosophical foundation.[12] Moreover, international rules dealing with environmental challenges dated back to the early nineteenth century when attention was concentrated on the exploitation of natural resources as a result of the increase in industrialization. During that period, tackling environmental challenges was marked by *ad hoc* response to immediate issues; but this was significant since it gave recognition to the need for cooperation among States.[13]

The United Nations birthed in 1945 after the Second World War provided an institutional framework for development of international law on the environment, and though *there is no clear reference to environmental protection* in the *UN Charter*, its mandate, according to Thornton and Beckwith, has proved wide enough to include environmental matters.[14] Ayesha Dias has therefore opined that the right to environment can be construed through the concept of well-being in the *UN Charter*.[15] Furthermore, it has been observed that international human rights instruments have paid trifling attention to the environment and indeed the three main human rights instruments in international law – the 1966 *International Covenant on Civil and Political Rights*, the 1966 *International Covenant on Economic, Social and Cultural Rights*, and the 1948 *Universal Declaration of Human Rights*[16] barely mention any nexus between the environment and human rights.[17] It has been pointed out that though there is no mention of the right to environment in the *UDHR*, it affirms the right to life and a right to a standard of living adequate for health and well-being and this can be interpreted as a provision for the right to environment.[18]

---

12 Justine Thornton & Silas Beckwith, *Environmental Law* (Sweet & Maxwell, 2004), 6.

13 Ibid, 33.

14 Ibid, 37.

15 Ayesha Dias. "Human Rights, Environment and Development: With Special Emphasis on Corporate Accountability," Human Development Report, 2000, Background Paper. <https://hdr.undp.org/system/files/documents/ayesha-dias.pdf> accessed May 25, 2025.

16 Hereinafter referred to as *UDHR*.

17 Justine Thornton & Silas Beckwith, *supra* note 12.

18 Ayesha Dias, *supra* note 15.

It has been further asserted that the genesis of a right to environment can be traced to the Stockholm Declaration.[19] Thornton and Beckwith corroborate this assertion by stating that in international law the nexus between human rights and the environment was first made in 1972 in the *Stockholm Declaration*.[20] Principle 1 of the *Stockholm Declaration* provides for the right to environment as follows: "Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being."

Also, the *1989 Hague Declaration* provides for the right to live in a viable global environment while the United Nations Environment Programme (UNEP) incorporates a right to a clean environment as a basic law on protecting the environment and promoting sustainable development. Moreover, the Governing Principles of the UNEP recognise the right of present and future generations to partake of a healthy environment and decent quality of life. The 1998 *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* also makes provision for the right of every person to live in an environment adequate to his or her health and well-being.[21]

The United Nations Human Rights Council has adopted various resolutions relating to the environment since 2008 and has also authorised panel discussions and analytical studies dealing with particular human rights issues and protection gaps.[22] The Human Rights Council appointed an independent expert in 2012 specifically to address the problem of human rights obligations related to the enjoyment of a clean, healthy and satisfactory environment, and a Special Rapporteur mandate in 2015.[23] The work of the Special Rapporteur produced impressive outcome when in October 2021 the Human Rights Council adopted a resolution granting recognition of the independent human

19 Ibid.

20 Justine Thornton & Silas Beckwith, *supra* note 12.

21 Article 1, Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, adopted June 25, 1998.

22 See the Office of the UN High Commissioner for Human Rights for a list of UN Human Rights Council Resolutions related to human rights and climate change at: <https://www.ohchr.org/EN/Issues/HRAndClimateChange/Pages/Resolutions.aspx> accessed 15th January, 2026.

23 See the history and mandate of the UN Special Rapporteur at: <https://www.ohchr.org/EN/Issues/Environment/SREnvironment/Pages/SRenvironmentIndex.aspx> accessed 15th January, 2026.

right to a clean, healthy and sustainable environment and calling on Member States of the United Nations to cooperate to implement the right.[24] It is noteworthy that the independent human right to a clean, healthy and sustainable environment was recognised for the first time in international law through the instrumentality of Resolution 48/13 though it has been recognised in various regional instruments and constitutionalised by several States.[25]

It is a thing of great interest that, besides the UN Human Rights Council, the United Nations has recognised the right to a clean, healthy, and sustainable environment as a universal human right. On 28 July 2022, by a recorded vote of 161 in favor and zero against, with eight abstentions, the UN General Assembly (UNGA) passed Resolution A/76/L.75 recognizing the right to a clean, healthy, and sustainable environment as a universal human right.[26] The UNGA called upon States, international organizations, businesses, and other stakeholders to adopt policies and legislation to enhance international cooperation, strengthen capacity-building and continue to share good practices in order to scale up efforts to ensure a clean, healthy and sustainable environment for all.[27] The resolution (A/76/L.75) noted that the right to a clean, healthy, and sustainable environment is related to other rights and existing international law, and affirmed that its promotion requires the full

24 United Nations Human Rights Council Resolution 48/13, A/HRC/RES/48/13, Resolution adopted by the Human Rights Council on 8 October 2021 <https://undocs.org/A/HRC/RES/48/13> accessed 26th January, 2026.

25 The Human Rights Council, at the same session, also adopted Resolution 48/14 which established the new mandate of a Special Rapporteur on the promotion and protection of human rights in the context of climate change. See UN Human Rights Council, 'Mandate of the Special Rapporteur on the promotion and protection of human rights in the context of climate change', 13 October 2021, A/HRC/RES/48/14, <https://undocs.org/A/HRC/RES/48/14> 26th January, 2026. The new mandate-holder will inter alia develop recommendations on how to strengthen the integration of human rights concerns into climate policy-making and legislation as well as ways to deal with and avert the adverse impacts of climate change on the enjoyment of human rights.

26 UNGA Resolution A/76/L.75 of 28 July 2022. See "How the UNGA's landmark Resolution Recognising Clean, Healthy, Sustainable Environment as Human Right will bolster Climate Action?" <https://www.wy4cj.org/legal-blog/how-the-ungas-landmark-resolution-recognising-clean-healthy-sustainable-environment-as-human-right-will-bolster-climate-action#:~:text=On%2028%20July%202022%2C%20by,environment%20as%20a%20human%20right> accessed 30th January, 2026. It is worthy to note that the UNGA Resolution A/76/L.75 is based on a similar text, adopted by the UN Human Rights Council (UNHCR) in October 2021, proposed by Costa Rica, the Maldives, Morocco, Slovenia, and Switzerland, and supported by more than 1300 civil society organizations and indigenous peoples' groups, as well as 15 UN agencies, young activists and business groups.

27 Ibid.

implementation of the multilateral environmental agreements under the principles of international environmental law.[28]

2.3 *Regional Recognition of Human and Environmental Rights*

A number of regional arrangements are in place to promote and protect human rights, apart from several United Nations human rights treaties. It has been revealed that after the adoption of the 1966 Covenants on Human Rights, the United Nations gave attention to the establishment of regional structures that would promote and protect human rights.[29] By a resolution passed on 19th December, 1966, the UN General Assembly called on the then UN High Commission on Human Rights to look into the issues of creating regional institutions which shall be saddled with tasks pertaining to the Covenants.[30] It is noteworthy that the idea of creating regional human rights structures was received as a way for States that newly gained independence to contribute to the universal concept of human rights.[31] However, various regional human rights arrangements are in place.[32] In Europe, the Council of Europe established the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (1950), while the Organisation of American States created the 1948 *American Declaration of the Rights and Duties of Man*, the 1969 *American Convention on Human Rights*, and the *San Salvador Protocol to the American Convention on Human Rights* (1988) in the Americas; and the 1981 *African Charter on Human and Peoples' Rights* was formulated in Africa by the then Organisation of African Unity (now African Union).

It has been pointed out that *African Charter* is the first international instrument to make provision for the right to a satisfactory environment for

28 Ibid.

29 M O U Gasiokwu, *Human Rights: History, Ideology and Law* (FAB Educational Books, 2003) 155.

30 UN General Assembly Resolution No. 2200C (XXI).

31 Gasiokwu, supra note 29.

32 In Europe, the Council of Europe established the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950), while the Organisation of American States created the 1948 American Declaration of the Rights and Duties of Man, the 1969 American Convention on Human Rights, and the San Salvador Protocol to the American Convention on Human Rights (1988) in the Americas; and the 1981 African Charter on Human and Peoples' Rights was formulated in Africa by the then Organisation of African Unity (now African Union).

development.[33] The Charter provides as follows: "All peoples shall have the right to a general satisfactory environment favorable to their development."[34]

Moreover, the 1988 *San Salvador Protocol to the American Convention on Human Rights* was the first and so far the only binding international agreement that recognises an individual right to a healthy environment[35] as follows: "Everyone shall have the right to live in a healthy environment and to have access to basic public services."[36]

Furthermore, the *Arab Charter on Human Rights,*[37] is among the regional instruments that make provision for a right to a healthy environment: "Every person has the right to an adequate standard of living for himself and his family, which ensures their well-being and a decent life, including food, clothing, housing, services *and the right to a healthy environment*[38]. It further stipulates that the States parties shall take the necessary measures commensurate with their resources to guarantee these rights.[39]

Among all the regional arrangements, Europe lacks a specific provision for the right to a clean and healthy environment in the 1950 *European Convention for the Protection of Human Rights and Fundamental Freedoms*.[40] However, the *Organisation of Economic and Development* (OECD) in Europe has declared that a "decent" environment should be recognised as a basic human right; and the *Charter on Environmental Rights and Obligations* drafted by the United Nations Economic Commission for Europe (UNECE) acknowledges the

33 Chris Peter, "Taking Environmental Rights Seriously: The African Charter of Human and Peoples Rights and the Environment" in *Review of the African Commission on Human and Peoples Rights,* (African Society of International and Comparative Law Edition, 1993), (3), (1&2), 38. It has been further stated that the 1981 *African Charter* was the first binding international agreement in which a right to a clean environment was specifically proclaimed. See M Soveroski. "Environmental Rights versus Environmental Wrongs: Forum over Substance?" *RECIEL* [2007] 16(3), 264.

34 Article 24, *African Charter on Human and Peoples Rights*, 1981.

35 M Soveroski supra note 33.

36 Article 11(1) of *San Salvador Protocol to the American Convention on Human Rights*, 1988.

37 Adopted on May 22, 2004, and entered into force on March 15, 2008.

38 Italics mine. Article 38, *Arab Charter on Human Rights*, 2004.

39 Ibid.

40 Efforts to draft a protocol on environmental rights by the Council of Europe failed due to a lack of political will by Member States. See M Soveroski, supra note 33, 265.

fundamental principle that everyone has the right to an environment adequate for general health and well-being.[41]

2.4 *Various States that Have Constitutionalised the Right to Clean and Healthy Environment*

It has been revealed that more than 100 States have constitutionalised the right to a clean and healthy environment, placed a duty on the State to avoid environmental harm, or mention protecting the environment or natural resources, stating further that more than half of these States clearly recognise the right to a clean and healthy environment.[42] Moreover, more than 32 African nations have provisions in their constitutions which include a fundamental provision for a right to a healthy environment.[43] It is further revealed that variations on this right have so far been reflected in more than 150 States.[44]

It has been further pointed out that there is a growth in the recognition of the right to environment at the national level in numerous national constitutions and laws:[45] According to a 2019 report by the UN Special Rapporteur on Human Rights and the Environment,

> There are 110 States where this right enjoys constitutional protection [and] 101 States where this right has been incorporated into national legislation. In total, more than 80 percent of States Members of the United Nations (156 out of 193) [including those bound by a treaty] legally recognize the right to a safe, clean, healthy and sustainable environment.[46]

---

41 Ayesha Dias. "Human Rights, Environment and Development: With Special Emphasis on Corporate Accountability." Human Development Report 2000 Background Paper, New York. <https://hdr.undp.org/system/files/documents/ayesha-dias.pdf> accessed 30th January, 2026. It is worthy to point out here that the version of this paper accessed is pageless.

42 See Dinah Shelton, Human Rights, Health and Environmental Protection: Linkages in Law and Practice, 22, 22 & 65-66 (World Health Org., Health and Human Rights Working Paper Series, Working Paper No. 1, 2002) <http://www.who.int/hhr/information/en/Series1%20%20HumanRightsHealthEnvironmental%20Protection Shelton.pdf> accessed 25th January, 2026.

43 Carl Bruch et al. "Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa" *Colum. J. Envtl. L.* (2001) 26, 131, 143.

44 Oldring and Mackintosh, supra note 1, 4.

45 Ayesha Dias, note 41.

46 "A Universal Right to a Healthy Environment" <https://www.europarl.europa.eu/RegData/etudes/ATAG/2021/698846/EPRS_ATA(2021)698846_EN.pdf> accessed 23rd January, 2026.

Among the countries that have constitutionalised the right to a clean and healthy environment are the following: the *Argentina Constitution*,[47] the *Constitution of the Congo*,[48] the *Korean Constitution*,[49] and the *Angolan Constitution*.[50] Some other constitutions that have recognised the right include:

- The Constitution of the Republic of Indonesia: It stipulates that "everyone has the right to live in physical and spiritual prosperity, as well as to live in and have a good and healthy environment.[51]

- The Constitution of the Republic of Brazil: It states that,

  > All have the right to an ecologically balanced environment, which is an asset of common use and essential to a healthy quality of life, and both the Government and the community shall have the duty to defend and preserve it for present and future generations.[52]

- The *Constitution of the Republic of South Africa* provides as follows:

  > Everyone has the right to an environment that is not harmful to their health or well being; to have the environment protected, for the benefit of present and future generations, through reasonable legislative and other measures that prevent pollution and ecological degradation; promote conservation; and secure ecologically sustainable development and use of natural resources while promoting justifiable economic and social development.[53]

---

47 *Constitucion Argentina* [Const. Arg.] [Constitution] Article 41 which provides that: "All residents enjoy the right to a healthy, balanced environment which is fit for human development."

48 Article 46 states that "[e]ach citizen shall have the right to healthy, satisfactory and enduring environment."

49 It provides in Chapter 11, article 35 as follows: "[a]ll citizens shall have the right to a healthy and pleasant environment."

50 *Angolan Constitution* [Angl.] article 24(1).

51 Article 28H, Paragraph 1, *Constitution of the Republic of Indonesia* 1945.

52 *Constituicao Federal* [C.F.] art. 225 (1988) (Braz.), translated in *Constitution of the Federative Republic of Brazil* 1988 (Istvan Vajda et al. trans. and rev., Brasilia 3d rev. ed. 2002). The Brazilian Constitution has been extolled for providing for a positive duty to protect the environment and it marks the environment as a commodity item worthy of protection for the utilisation of generations to come. See Karrie Wolfe, "Greening the International Human Rights Sphere? Environmental Rights and the Draft Declaration of Principles on Human Rights and the Environment," *Appeal: Review of Current Law and Law Reform*, [2003] 9, 57.

53 Section 24, *Constitution of the Republic of South Africa*, 1996.

The Article II of the *Montana Constitution* makes provision for an inalienable environmental right[54] as follows:

> All persons are born free and have certain *inalienable*[55] rights. They include the right to a clean and healthful environment and the rights of pursuing life's basic necessities, enjoying and defending their lives and liberties, acquiring, possessing and protecting private property, and seeking their safety, health and happiness in all lawful ways. In enjoying these rights, all persons recognize corresponding responsibilities.[56]

From the foregoing illustrative provisions for the right to a clean and healthy environment in the jurisdictions where the right has been constitutionalised, it is observed that the right is not a mere provision but it is an enforceable right in the various jurisdictions.

However, the 1999 *Constitution of the Federal Republic of Nigeria* (as amended) makes provision for environmental objectives in Chapter II[57] as follows:

> The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria.[58]

It is worthy to note that this Section 20 of the Nigerian Constitution is what environmental lawyers believe to be the provision that constitutionalises the right to a clean and healthy environment in Nigeria. However, unlike the

54 It is noteworthy that Montana is the only State that has provided for an inalienable environmental right. See Barton H. Thomson, Jr. "Constitutionalizing the Environment: The History and Future Montana's Environmental Provisions," *Mont. L. Rev.* [2003] 64, 165.

55 Italics mine.

56 Section 3, Article II, *Montana Constitution*, 1972; Section 1, Article IX further provides as follows:
The state and each person shall maintain and improve a clean and healthful environment in Montana for present and future generations. The legislature shall provide for the administration and enforcement of this duty. The legislature shall provide adequate remedies for the protection of the environmental life support system from degradation and provide adequate remedies to prevent unreasonable depletion and degradation of natural resources.

57 Chapter II of the Nigerian Constitution is captioned "Fundamental Objectives and Directive Principle of State Policy." It is worthy to note that provision for the first generation rights such as rights to life, dignity of the human person, and personal liberty is made in Chapter IV of the Nigerian Constitution.

58 Section 20, 1999 *Constitution of the Federal Republic of Nigeria* (as amended).

provision for the right to a clean and healthy environment in the Constitutions of several other States which expressly employs the language of *right*, there is no language of *right* used in the said section. In truth, it merely places obligation on the State to protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria. It is therefore glaringly apparent that there is no provision for the right to a clean and healthy environment in the Nigerian Constitution. Moreover, it is worthy to note that provisions of Chapter II captioned *Fundamental Objectives and Directive Principle of State Policy* are non-justiciable and unenforceable by virtue of Section 6(6)(c) of the Constitution.

3. The Ecocide Perspective in Dealing with Environmental Harm on Human Well-Being

Environmental damage can be extreme especially due to human industrial activities and the impact of such ecocide also threatens human well-being in no small measure.

Okwezuzu has expressed the view that:

> It is incontrovertible that many segments of our planet today are plagued with so much environmental pollution that constitutes a serious threat to human survival not only to the inhabitants of such a locality but the impacts extend to the entire global community. Such level of environmental pollution which, in virtually all cases, is anthropogenic can indeed be regarded as *genocide* in disguise; it can be described as *environmental genocide* which a number of scholars have termed *ecocide*. It is unfortunate that while the international community has devised measures that are grievous and somewhat effective in tackling real and manifest instances of genocide internationally and in different nations of the world, similar measures are seemingly lacking in the case of *environmental genocide* or *ecocide*.[59]

[59] G E Okwezuzu, "Revivification of Legal Efforts to Criminalize Ecocide in International Law: Emerging Trend," *National Law School Journal*, (2015-2016) 13, 52-53. On the Evolution of the Crime of Ecocide and its Status in International Law, ibid 54-61.

3.1 *Definition of Ecocide and the Campaign to Criminalise It in International Law*

The term *ecocide* has tasked the intellect of various legal experts and scholars. Indeed, different scholars and legal experts have attempted to proffer a satisfactory definition of *ecocide* from different perspectives and depending on their jurisprudential backgrounds.[60] However, an Independent Expert Panel was convened by the Stop Ecocide Foundation to offer an intellectually and legally satisfactory definition of the term *ecocide*. According to the Independent Expert Panel, *ecocide* means "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."[61] Furthermore, certain key terms in the definition are defined as follows:

- *Wanton* means with reckless disregard for damage which would be clearly excessive in relation to the social and economic benefits anticipated;
- *Severe* means damage which involves very serious adverse changes, disruption or harm to any element of the environment, including grave impacts on human life or natural, cultural or economic resources;
- *Widespread* means damage which extends beyond a limited geographic area, crosses state boundaries, or is suffered by an entire ecosystem or species or a large number of human beings;
- *Long-term* means damage which is irreversible or which cannot be redressed through natural recovery within a reasonable period of time.[62]

Oldring and Mackintosh have expressed the view that by focusing on the risk of severe and either widespread or long-term damage to the environment, without requiring that damage to have a negative impact on human beings, the proposed definition of ecocide dissolves the anthropocentric versus ecocentric division, giving recognition to both human beings and planet having both intrinsic and interrelated value.[63] With this definition, the crime of ecocide

60 See G E Okwezuzu, "Environmental Pollution in the Niger Delta of Nigeria: Human Rights Vis a Vis Ecocide Law: Which Way Out?" *Ajayi Crowther University Law Journal*, (2016) 1 (1) 180-184.

61 See Stop Ecocide Foundation, Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text, (June 2021) <https://www.stopecocide.earth/legal-definition> accessed 28 January, 2026.

62 Ibid.

63 Oldring and Mackintosh, supra note 1, 8.

addresses the limits of a human rights approach to the protection of the environment.[64] Animals, plants and other elements are recognised to have value in their own right, while ecocide expresses the interrelationship of human rights and the environment, complementing a human rights approach by moving beyond anthropocentrism.[65]

3.2 *Efforts to Recognise Ecocide as a Crime at International, Regional, and Local Levels*

It is worthy of mention that ecocide exists in international law but it only exists as a war crime as contained in Article 8.2.b.iv of the *Rome Statute*:

> Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated.

At the negotiation stage, efforts were made to include the crime of ecocide at peacetime in the *Rome Statute* but the efforts proved futile.[66] However, in recent times, concerted efforts are being made through diplomacy, public campaigns, raising awareness, publications via various media, organising conferences, webinars, and other strategies in a bid to criminalise ecocide at local jurisdictions, different regions of the world, and ultimately at the international level. These efforts are being coordinated under the umbrella of Stop Ecocide International.[67]

3.2.1 Recognising Ecocide as the 5th International Crime against Peace

The renewed campaign being led by Stop Ecocide International is primarily to recognise ecocide as a crime and to include it as the 5th international *Crime*

64 Ibid.

65 Ibid.

66 See G E Okwezuzu, supra note 59, 54-61.

67 Stop Ecocide International Ltd is a non-profit company limited by guarantee. It was set up in the United Kingdom by the late Polly Higgins and Jojo Mehta in 2017. Its core objective is to launch a public campaign to recognise ecocide as the 5th Crime against Peace in the *Rome Statute* which can be prosecuted under the jurisdiction of the International Criminal Court in The Hague. Stop Ecocide International was originally known as Ecological Defence Integrity Ltd.

against Peace in the *Rome Statute* under the jurisdiction of the *International Criminal Court*.[68] Four crimes which are already recognised in the *Rome Statute* and can be tried under the jurisdiction of the Court are Crime of Genocide, Crimes against Humanity, War Crimes, and the Crime of Aggression.[69]

It is important to state that the campaign to include *ecocide* as the fifth *Crime against Peace* is a worthy cause "that promises great environmental dividends for the entire global community now and in the future."[70] To realize this, an amendment of the *Rome Statute* would be required. It is worthy to note that three-quarters of State Members of the United Nations, that is, a vote of 75 percent of majority of State Members, would be required in conformity with the Article 121 of the *Rome Statute* to effect the amendment. It is hoped that the United Nation's "one member, one vote" system will help over-ride likely opposition of some nations and vested business interests.[71]

It is interesting to note that the proposal for the amendment of the *Rome Statute* to include the crime of ecocide has been moved by three States, namely, Vanuatu, Fiji, and Samoa at the Assembly of States Parties of the International Criminal Court in 2024 and it was supported by the Democratic Republic of Congo.[72] It is hoped that the international community will not wait in perpetuity before State Parties to the *Rome Statute* convene to deliberate upon and act appropriately on the aforementioned proposal.

3.2.2 Recognising Ecocide as a Crime at the Regional Level

It is a well-known fact that there are three geographical regions with well-established regional legal mechanisms in the world and these are Europe,[73] the

68 See G E Okwezuzu, supra note 59, 67.

69 Article 5(1) of the *Rome Statute.*

70 G E Okwezuzu, supra note 59, 69-70.

71 Julliette Jowit. "British Campaigner Urges UN to Accept 'Ecocide' as International Crime". *The Guardian*. 9th April, 2010.

72 See Stop Ecocide International, "Proposed Crime of Ecocide" <https://www.stopecocide.earth/2024/mass-destruction-of-nature-reaches-international-criminal-court-icc-as-pacific-island-states-propose-recognition-of-ecocide-as-international-crime#:~:text=Milestone%20for%20environmental%20justice%20as,include%20a%20 crime%20of%20ecocide> accessed 20th January, 2026.

73 In this region, legal arrangements are put in place by the European Union and the Council of Europe.

Americas,[74] and Africa.[75] There is a fourth – the Arab World[76] – which lacks geographical expression but consists of States that are brought together by Islamic religion.

While the campaign to criminalise ecocide is yet to record any appreciable positive outcome in the Americas, Africa, and the Arab World, it has yielded impressive results in Europe. Under the umbrella of the European Union, "crimes comparable to ecocide" have been included in the *Directive on Protection of the Environment through Criminal Law* as "Environmental Crime Directive," 2024.[77] The *Directive*, in Article 5(2)(a), introduces a penalty not exceeding 10 years imprisonment for severe environmental harm. It is noteworthy that the *Directive* avoids the use of the term *ecocide* with exactitude but focuses on "conduct comparable to ecocide".[78]

Furthermore, the Council of Europe has recognised the crime of ecocide in the *Convention on the Protection of the Environment through Criminal Law*. According to Betram, "the first international legal instrument to reference ecocide" was unanimously adopted on 14th May 2025, by the Committee of Ministers of the Council of Europe.[79] Indeed, the *Convention* acknowledges the *call for the recognition of ecocide*[80], which is already covered by the law of certain member States of the Council of Europe and is being discussed at the international level"[81] Betram states further that the *Convention* prides itself in being the "first international legally binding instrument to address environmental crime" and was acclaimed as a "model for global reform" by

74 Here, regional mechanisms are put in place by the Organisation of American States.

75 In Africa, the African Union creates various regional arrangements.

76 The arrangements here are put in place by the Organisation of Islamic Conference and the League of Arab States.

77 *Directive (EU) 2024/1203* of the European Parliament and of the Council of 11 April 2024 on the protection of the environment through criminal law and replacing Directives 2008/99/EC and 2009/123/EC, <https://eur-lex.europa.eu/eli/dir/2024/1203/oj/eng> accessed 28 January, 2026. The *Directive* introduces a penalty not exceeding 10 years imprisonment for severe environmental harm. It is noteworthy that the *Directive* avoids the use of the term *ecocide* with exactitude but focuses on cases "comparable to ecocide."

78 Paragraph 21 of the Preamble to the *Directive (EU) 2024/1203*.

79 Daniel Bertram, "The First Ecocide Treaty*?*" *EJIL:Talk!* June 4, 2025 <https://www.ejiltalk.org/the-first-ecocide-treaty/> accessed 2nd February, 2026.

80 Italics mine.

81 Paragraph 8 of the Preamble to the *Convention on the Protection of the Environment through Criminal Law*.

Stop Ecocide International.[82] The *Convention* directs Member States to criminalize severe environmental harm. The provision captioned "Particularly serious offence" is worthy of note:

> Parties shall take the necessary legislative measures to establish as a particularly serious offence any of the offences established in accordance with this Convention, when committed intentionally, and when such an offence causes destruction or causes irreversible, widespread and substantial damage, or causes long-lasting, widespread and substantial damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water.[83]

Undoubtedly, besides other relevant provisions of the *Convention*, the essence of the crime of ecocide is captured by the following:

> … an offence [which] causes destruction or causes irreversible, widespread and substantial damage, or causes long-lasting, widespread and substantial damage to an ecosystem of considerable size or environmental value, or to a habitat within a protected site, or to the quality of air, soil or water.[84]

The provision of Article 2(2) is also of special interest: "This Convention shall apply in times of peace and in situations of armed conflict, wartime or occupation." It is pertinent to mention that amending the *Rome Statute* to make the crime of ecocide not only applicable in situations of armed conflict but also in times of peace is the goal of the campaign being led by Stop Ecocide International that is gaining traction in the international community.

Thus far, there are seven signatories to the *Convention*, namely, the European Union, Portugal, Latvia, Luxembourg, Sweden, Cyprus, and Moldova.[85] By the provision of Article 53(3) of the *Convention*, the treaty "shall enter into force on the first day of the month following the expiration of a period of

82 Ibid.

83 Article 31, *Convention on the Protection of the Environment through Criminal Law*.

84 Ibid.

85 CoE Ratifications, <https://eucrim.eu/documentation/ratifications/> accessed 16th February, 2026.

three months after the date on which 10 Signatories, including at least eight member States of the Council of Europe, have expressed their consent to be bound by the Convention."

3.3 *Criminalisation of Ecocide in Municipal Jurisdictions*

A number of States have passed into law the crime of ecocide in their municipal jurisdictions.

3.3.1 States with Autarchic Ecocide Law

There are at least ten States which autarchically enacted the law of ecocide to meet their own environmental needs, not in response to the renewed campaign to criminalise ecocide which commenced in 2017. Dating back to 1990, the first among these categories of States is Vietnam,[86] followed by Russia.[87] Others are Kyrgyzstan which enacted the Law of Ecocide in its Article 374, *Criminal Code Kyrgyzstan*, 1997; Kazakhstan in Article 161, *Penal Code Kazakhstan*, 1997; Tajikistan in Article 400, *Criminal Code Tajikistan*, 1998; Belarus in Article 131 of the *Criminal Code Belarus*, 1999; Georgia in Article 409 of *Criminal Code of Georgia*, 1999; Ukraine in Article 441 of *Criminal Code of Ukraine*, 2001; Moldova in Article 136 of *Penal Code Republic of Moldova*, 2002; and Armenia which formulated Ecocide Law in its *Criminal Code of the Republic of Armenia*, 2003.

3.3.2 States which Enacted Law of Ecocide in Response to the Campaign to Criminalise Ecocide

A number of States enacted the Law of ecocide at the post-2017 era after the commencement of the renewed campaign to criminalize ecocide. These include the following States:

---

86 This was the first State to criminalise ecocide in its national penal code obviously because of the Vietnam/US War and the devastating environmental effects. Article 278 of the *Penal Code Vietnam,* 1990 provides as follows: "Ecocide, destroying the natural environment, whether committed in time of peace or war, constitutes a crime against humanity."

87 Russia, the second State to enact ecocide as law in its local jurisdiction, provides in Art. 358 of its *Criminal Code Russian Federation*, 1996 as follows: "Massive destruction of animal or plant kingdoms, contamination of the atmosphere or water resources, and also commission of other actions capable of causing an ecological catastrophe, shall be punishable by deprivation of liberty for a term of 12 to 20 years."

i. **France:** The French *Climate and Resilience Law*[88] is France's ecocide law. Enacted under the *Climate and Resilience Act,* 2021, it criminalizes deliberate, serious, and lasting environmental harm. It also makes provisions for executives of corporations to face up to ten years imprisonment and €4.5 million in fines, while corporations can be fined up to €22.5 million or ten times the profits derived from the crime.

   These two crimes – general pollution of physical and biological environments on the one hand and abandonment of waste on the other hand – are qualified as ecocide when they have been committed intentionally.[89] Article L. 231(3) of the French Environmental Code states that the offense provided for in Article L. 231(1) becomes ecocide "when the actions are committed intentionally." Moreover, where the offenses stated in Article L. 231(2) are committed intentionally, they also become ecocide when "they lead to serious and lasting damage to health, flora, fauna or the quality of the air, soil or water". The penalties are increased to ten years imprisonment and 4.5 million euros; this sum can be raised to ten times the benefit derived from the perpetration of the offense. It is worthy to note that adverse effects "on health or damage to flora, fauna or the quality of soil or surface or ground water that are likely to last for at least seven years" are considered lasting.[90]

ii. **Chile:** In August 2023, a new law, the *Economic Crimes Law*,[91] dealing with economic crimes, was enacted in Chile. The law introduces a new section captioned "Attacks against the environment"[92] which deals with severe environmental harm with varying sanctions including terms of imprisonment and fines. Section 13 of the *Economic Crimes Law* amends the Chilean *Criminal Code* to include Articles 305 to 312 captioned "Attacks against the environment." These newly introduced provisions include failure to submit activity for an Environmental Impact

88 *Climate and Resilience Law*, Law No. 2021-1104 of August 22, 2021, adopted on July 20, 2021, was pronounced on August 24, 2021, See "French Climate and Resilience Law: What impact on environmental criminal law?," <https://soulierbunch.com/en/french-climate-and-resilience-law-what-impact-on-environmental-criminal-law/?pdf=43240> accessed 21st February, 2026.

89 Article L. 231(3) of the French Environmental Code.

90 "French Climate and Resilience Law: What impact on environmental criminal," ibid.

91 *Economic Crimes Law*, 2023, Law No 21.595.

92 See Section 13, ibid.

Assessment, pollution of air and soil, destruction of protected areas, and extracting water unlawfully, some of which are ecocidal. For instance, Article 308 provides as follows:

> Anyone who, by pouring, depositing or releasing polluting substances, or by extracting water or components from the soil or subsoil, *seriously affects*[93] marine or continental, surface or underground waters, the soil or subsoil, whether continental or maritime, or the air, or animal or plant health, the existence of water resources or the supply of drinking water, or who seriously affects wetlands by pouring soil or other solids into them, shall be sanctioned:
>
> 1. With the penalty of imprisonment or major detention in its minimum degree, if the serious harm is perpetrated ….
> 2. With the penalty of imprisonment or minor detention in its maximum degree to major imprisonment in its minimum degree in cases not included in the preceding number, and provided that he is not authorized to do so.[94]

It is worthy to take note of the phrase "seriously affects" as used in Article 308. Similarly, Article 309 makes reference to acts that constitute "serious harm" to the environment, while Article 310 also employs the phrase "seriously affects" as follows:

> Anyone who *seriously affects*[95] one or more of the environmental components of a virgin region reserve, a national park, a natural monument, a national reserve or a wetland of international importance, will be punished with imprisonment or major detention in its minimum degree.[96]

Furthermore, Article 310 *bis*[97] gives a clear interpretation of the phrase "serious damage" as follows:

---

93 Italics mine.
94 Article 308 of the Chilean *Criminal Code*.
95 Italics mine.
96 Article 310 of the Chilean *Criminal Code*.
97 This is Latin word for second.

> For the purposes of the three preceding articles,[98] *serious damage*[99] to one or more environmental components shall be understood as the adverse change produced in any of them, provided that any of the following circumstances occur:
>
> 1. To have a relevant spatial extent, according to the ecological or geographical characteristics of the affected area.
> 2. To have long-lasting effects over time.
> 3. To be irreparable or difficult to repair.
> 4. Reach a significant set of species, according to the characteristics of the affected area.
> 5. Focus on species categorized as extinct, extinct in the wild, critically endangered, or endangered or vulnerable.
> 6. To seriously endanger the health of one or more people.
> 7. Significantly affect the ecosystem services or functions of the environmental element or component.
>
> In the case of the acts foreseen in number 1 of article 308 and in the first and second paragraphs of article 310, if the serious impact causes irreversible damage to an ecosystem, the maximum penalties indicated for them will be imposed.[100]

From the above interpretation of the phrase, "serious damage" to the environment means adverse effect caused must have *inter alia* "a relevant spatial extent," "long-lasting effects," and it is "irreparable or difficult to repair." This is undoubtedly ecocide. It is therefore clear that Chile is among the few States that have recognised the crime of ecocide. And, though *ecocide* is not definitely mentioned, its provisions on serious environmental damage and the interpretation thereof agrees, to a reasonable extent, with the definition of ecocide by the Independent Expert Panel convened by the Stop Ecocide Foundation.[101]

iii. Belgium: In February 2024, the crime of ecocide was introduced into the *Criminal Code* of Belgium via amendment, making Belgium one of the

98 The three preceding articles are Articles 308, 309, and 310.
99 Italics mine.
100 Article 310 *bis* of the Chilean *Criminal Code*.
101 See note 61.

few nations to formally recognize the crime of ecocide.[102] The newly introduced article in the Belgian *Criminal Code* defines ecocide as:

> … deliberately committing, by act or omission, an unlawful action causing serious, widespread and long-term damage to the environment in the knowledge that this act causes such damage, provided that this act constitutes an infringement of federal legislation or an international instrument that is binding on the federal authority or if the act cannot be located in Belgium.[103]

It is apparent from the above definition that ecocide is recognised as a municipal as well as an international crime in the Belgian *Criminal Code*.

iv. Mauritius: This is the latest country to recognise the crime of ecocide in the *Anti-Money Laundering, Combatting the Financing of Terrorism and Countering Proliferation Financing (Miscellaneous Provisions) Act*.[104] Section 8 of the aforementioned *Act* (which is captioned "Environment Act 2024 amended"), Paragraph b defines ecocide as "an unlawful or wanton act committed with knowledge that there is a substantial likelihood of severe, and either widespread or long-term, damage to the environment being caused by that act." The *Anti-Money Laundering Act* goes further to define the key terms in the definition of ecocide – long-term, severe, wanton, and widespread[105] – like the Independent Expert Panel. It is worthy to note that there is strong similarity between the definition of ecocide contained in the Mauritian *Anti-Money Laundering Act* and that of the Independent Expert Panel convened by the Stop Ecocide Foundation.[106] While the noun phrases "an unlawful or wanton act" and "that act" at the beginning and end of the Mauritian *Act* respectively are in the singular, similar noun phrases in the definition by the Independent Expert Panel are in the plural without any semantic variation. It is also

---

102 See "Belgium Introduces the Offence of Ecocide," <https://sustainablefutures.linklaters.com/post/102j15x/belgium-introduces-the-offence-of-ecocide> accessed 10th February, 2026.

103 Article 94 of Book II of the *Criminal Code*.

104 *Anti-Money Laundering, Combatting the Financing of Terrorism and Countering Proliferation Financing (Miscellaneous Provisions) Act*, Act 3 of 2026.

105 Ibid, Section 8(b).

106 See note 61.

> observed that the definitions of the key terms contained in both the Mauritian *Anti-Money Laundering Act* and those proffered by the Independent Expert Panel are, to a great extent, similar but with slight variation that is semantically insignificant.

The *Anti-Money Laundering Act* also makes provision for the crime of ecocide;[107] the offender shall, on conviction, be liable to payment of fines,[108] also, the offender shall, on conviction, be liable "to penal servitude for a term not exceeding 10 years,"[109] compensation as well as potential prohibition from public funding or permits, in addition to environmental remediation measures.[110]

4. Peculiarities and Advantages of the Ecocide Approach

There are certain peculiarities and advantages of the ecocide approach to addressing the impact of environmental harm on human well-being. With regard to the utility of international criminal law in enforcing certain international norms, Megret has pointed out as follows:

> There is little doubt that international criminalization is quickly becoming one of the preferred routes to enforce certain international norms. While one may occasionally have reservations about particular features of international criminal repression, the excessive focus on criminalization or even with international criminalization itself, international criminal law is helping to redefine international law and is increasingly associated with various worthy causes. Simultaneously, grave threats to the economic, social and environmental well-being of populations continue to emerge in ways that international law seems to have trouble addressing. In this context one might hope that the rise of international criminal law would

107 Section 8(b) of the *Anti-Money Laundering Act* provides as follows: "Any person who commits an unlawful or a wanton act with knowledge that there is a substantial likelihood of severe, and either widespread or long-term, damage to the environment being caused by that act shall commit an offence."

108 "… fines that are proportionate to the gravity of the conduct and to the individual, financial and other circumstances of the person concerned and, where relevant, that are determined taking due account of the gravity and duration of the damage caused to the environment and of the financial benefits generated from the offence. Ibid.

109 Ibid.

110 Ibid.

> contribute to the resolution of these grave threats to some degree.[111]

Oldring and Mackintosh have pointed out that the creation of an international crime of ecocide acknowledges the scientific evidence which points to the conclusion that the emission of greenhouse gases and the destruction of ecosystems at current rates will have catastrophic consequences for our common environment. Criminalization of ecocide introduces individual accountability on an international level for extreme environmental damage, in the same way that individual responsibility for gross human rights violations was created by earlier international criminal law. International criminal law, in the words of the Rome Statute of the International Criminal Court, deals with unimaginable atrocities that deeply shock the conscience of humanity and which threaten the peace, security and well-being of the world. In addition, adding ecocide to the category of international crimes recognises that extreme environmental damage is of the same class of crimes and threatens the same interests as the existing international crimes of genocide, crimes against humanity, war crimes and aggression.[112]

Furthermore, the human rights approach to environmental protection is anthropocentric but ecocide goes beyond anthropocentrism. According to Oldring and Mackintosh,

> … it is inescapable that a human rights approach is anthropocentric, placing humans at the centre of its concern. A human rights approach can only address the negative effects of environmental damage on people, or our own need for a healthy environment. Human rights law is silent in the face of disappearing ecosystems whose value to people is either not apparent or unknown. The definition of ecocide proposed by the Independent Expert Panel for inclusion in the Rome Statute complements this by including elements of the environment as

111 F Megret, "Offences Against Future Generations: A Critical Look at the Jodoin/Saito Proposal and a Suggestion for Future Thought" *McGill International Journal of Sustainable Development Law and Policy* (2012) 7 (2), 159.

112 Oldring and Mackintosh, supra note 1, 6-7.

> protected values per se: it does not require damage to human beings to result in order for the crime to be committed.[113]

It is further opined that by concentrating on the threat of severe and either widespread or long-term harm to the environment, without requiring that harm to have an adverse impact on human beings, the definition of ecocide dissolves the anthropocentric versus ecocentric division, recognising that both human beings and the earth have both intrinsic and interrelated value.[114]

5. Conclusion

This work has examined both the human rights and ecocide approaches to addressing environmental harm on human well-being. It looks into the nexus between human rights and the environment, international recognition of environmental rights, regional recognition of human and environmental rights as well as recognition of environmental rights in various constitutions of States. It also x-rays the ecocide perspective in dealing with environmental harm on human well-being, the definition of ecocide and the campaign to criminalise it at the international, regional, and local jurisdictions as well as the peculiarities and advantages of ecocide approach. It is observed that ecocide brutally violates several human rights while criminalizing ecocide can prove effective in addressing severe environmental harm, and preservation of human rights, on the other hand, has the potency of preventing ecocide.

It is therefore recommended that, first, the crime of ecocide should be recognised internationally, regionally, and locally. In this regard, all States should support the agitation for recognising the crime of ecocide in international law through its inclusion as the 5th Crime against Peace under the jurisdiction of the International Criminal Court via amendment of the *Rome Statute*; all regions on earth should put in place mechanisms for recognizing the crime of ecocide, following the example of Europe; and all States should enact ecocide law in their different jurisdictions for more effective tackling of environmental degradation.

113 Ibid, 7.
114 Ibid, 8.

Second, the right to clean and healthy environment recognised by the United Nations General Assembly should be domesticated and constitutionalized by all States that are yet to do so, including Nigeria, with appropriate use of the language of "rights" in order to make its provision indubitably clear.

Third, there should be employment of a double-pronged approach via human rights and ecocide law in tackling ecocide and environmental degradation generally, bearing in mind that ecocide can hold business lords internationally accountable in ways that employment of human rights mechanism alone cannot.