Human Rights and Environmental Protection in the 21st Century: Way Forward Remedies for the Federal Republic of Nigeria

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Abstract

The intersection between human rights and environmental protection has become increasingly significant in the 21st century, particularly in developing countries such as Nigeria- her rich environment is hence adversely affected by weak legal and institutional regulatory frameworks that make the pragmatic realization of her citizens' environmental protection illusory. This article examines the extents to which environmental degradation –arising from industrial activities, oil exploitation, and weak regulatory enforcement impacts the realization of fundamental human rights, including the rights to life, health and dignity. It critically evaluates Nigeria's constitutional and statutory frameworks, highlighting gaps in the enforceability of environmental rights and the challenges posed by institutional inefficiency, corruption, and inadequate public participation. Adopting a doctrinal and analytical approach, the article explores the role of regional and international human rights instruments, particularly the African Charter on Human and Peoples' Rights, in advancing environmental justice within Nigeria. It argues that while legal provisions exist, their practical implementation remains weak, thereby undermining sustainable development goals. The article proposes remedial measures comprising of strengthened judicial activism, enhanced regulatory enforcement and the integration of human rights-based approaches into environmental governance. It further advocates for increased community participation, access to justice and accountability mechanisms. Ultimately, the article concludes that effective remedies are essential to bridging the gap between environmental protection and human rights realization in Nigeria.

Keywords: Access to Justice, Environmental Protection, Human Rights, Nigeria, Sustainable Development

1. INTRODUCTION

Nigeria is endowed with mineral, natural and human resources. Her rich environment is however adversely affected by weak and insufficient legal and institutional regulatory frameworks that make the pragmatic realization of her citizen's environmental rights illusory. Urbanization, modernization, power sharing and resource control had always remained the central focus of the Nigerian government while the protection of the environment, human rights and livelihood of Nigerian citizens are treated with apathy. Whereas, human rights are rights which all human beings are entitled to by mere reason of the fact that they are humans[1]. They are universal,

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[1]Bektas Mehmet, 'The Relevance of Universalism in the Context of Human Rights' (2024) 14 (1) *ZeszytPrawniczy UAM* 9. <https://pressto.amu.edu.pl/index.php/zpuam/article/view/41687> accessed 10 March, 2026; Jamiu Akolade Adeyemi, 'The Right of the Urban Poor' [2025] 6 (2) *Al-Hikmah University Law Journal* P. 207

eternal, indivisible, inborn and immutable. They are hence bound to be protected at all times by states, bearing in mind that they are not donated and cannot be taken away by the states[2].

Furthermore, human rights in the contemporary times can be categorised into first generation rights otherwise identified as civil and political rights that comprises of right to life, right to dignity of human person, right to personal liberty, right to private and family life, right to acquire and own immovable property and right to peaceful assembly and association, among others; and second generation rights otherwise called social, economic and cultural rights that include right to employment, water, healthcare, housing, education, good standard of living and so forth; and third generation rights otherwise recognized as solidarity rights that capture right to a healthy environment, right to natural resources, right to economic and social development and right to participate in cultural heritage to mention but a few.[3]

The right to a healthy environment as an aspect of the third generation rights which this paper is set to treat is flagrantly being violated in Nigeria, most especially in rural areas. This violation often takes the form of reckless deforestation, desertification, oil spillage, environmental pollution (and many more) which have for a long time affected health, livelihood and human dignity. Again, poverty, hunger and diseases are emerging in affected areas which, without doubt, now endanger human lives, liberty, properties and environment[4]. But, what can aptly be considered as the operational legal definition of "an environment" in this context?

According to Black's Law Dictionary, an environment connotes the totality of the physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of people's lives[5]. In the same vein, the Federal Environmental Protection Agency (FEPA) Act of 1990 gave a very lucid definition of environment to include water, air, land and all plants and human beings and/or animals living therein and the interrelationships which exist among these or any of them[6]. Thus, human rights and environmental Protection are specifically two critical issues that are essential and existential to the overall life of humanity generally and to a nation specifically. In accordance with this truth, this paper shall basically appraise the right to a healthy environment as a form of human right. In so doing, it shall examine the meaning and types of environmental rights, the concept of environmental protection, the essential global documents, the African regional instruments as well as the Nigerian domestic legislations on environmental rights. It shall further highlight the basic kinds and effects of environmental rights infringements in and on Nigeria, the enforcement mechanisms thereof and the challenges thereto, the judicial responses and the significance of its protection. It shall finally offer certain essential and pragmatic way-

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[2]United Nations, 'The Foundation of International Human Rights Law'. <https://www.un.org/en/about-us/udhr/foundation-of-international-human-rights-law> accessed 10 March, 2026

[3]YuritHotubiak and others, 'Generations of Human Rights and their Implementation in Modern Legal Systems: Mordern Scientific Research and Implications for Teaching' (2025) 19 (1) *EDUWEB* <https://www.revistaeduweb.org/index.php/eduweb/article/download/684/1148?inline=1> accessed 11 March, 2026

[4]EmejuruEmenike and Maureen Baribefe-Koate, 'Environmental Degradation As A Violation of Human Rights: Its Impacts on the Wellbeing of Humans and Policy Consideration in Nigeria.' (2023) 20 (1) *Rivers State University Journal of Private and Property Law* P. 1-9. <https://rsuppljournal.com.ng/environmental-degradation-as-a-violation-of-human-rights-its-impacts-on-the-wellbeing-of-humans-and-policy-consideration-in-nigeria/ accessed 11 March, 2026

[5]Henry Campbell Black, *Black's Law Dictionary* (5th edn, Minn., West Publishing co., 1979) P. 479

[6] Section 38 of the Environmental Protection Agency Act Cap 131 LFN 1990

forward remedies towards the protection and safety of the right to a healthy environment in the contemporary 21st century Nigeria.

2. THEORETICAL AND CONCEPTUAL FRAMEWORK

2.1. The Meaning and Types of Environmental Rights

To start with, environmental rights can generally be defined as the rights of the citizens of a particular geographical territory to have a clean, safe and decent environment and to enforce these in case of violation by government or private citizens. This foregoing definition generally indicates the need to protect human health, safety and interests and requires the maintenance of a certain level of environment for human use and enjoyment of nature[7]. Therefore, a healthy and clean environment becomes a human right. This right includes the power to sue in civil courts for the damages caused by pollution and to initiate private suits or claims for pollutions where government has refused to act. It also includes the right of access to information on pollution and right to participate on standard settings and other processes connected thereto[8].

According to Nwanzi and Ogbonah, environmental rights are human rights that grant the public a right to healthy environment and introduce a series of reforms to increase the powers of private citizens to protect themselves and their environments[9] from the effects of pollution[10]. As such, they logically opine that a genuine concern for humankind and our habitat depends on respect for other animals and their habitats and upon recognition for the importance of human dignity. They therefore inclusively invoked in their explanation the germane components of environmental rights as espoused in the Hague Declaration of 1989 that categorically expatiated that man has a fundamental right to freedom, equity and adequate conditions of life in an environment that permits a life of dignity and well-being and he bears a solemn responsibility to protect living standards, and quality that permits dignity to stipulate the right to live in a viable global environment[11].

However, in our liberal opinion, environmental rights stand for environment-based human rights that promote, protect and guarantee the safety, cleanliness and healthiness of the totality of the physical, economic, cultural, aesthetic and social circumstances and factors which surround and affect the desirability and value of property and which also affect the quality of peoples' lives. At this juncture, it is pertinent to state that environmental rights are of various types or kinds, some of which concretely include the right to development, right to a healthy environment, right to dispose of wealth and natural resources, right to work under equitable and satisfactory conditions, right to property, right to private and family life, right to health, right to life and right to dignity of human person to mention but a few.[12].All of these adumbrated kinds of

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[7]Olu Awolowo, 'Environmental Rights and Sustainable Development in Nigeria' (2013) 6 (2) *OIDA International Journal of Sustainable Development* 18. <https://oidaijsd.com/wp-content/uploads/2019/02/10-06-02.pdf> accessed 11 March, 2026

[8]ibid.

[9] LO Nwauzi and Thankgod Oghomah, 'The Nature of Environmental Rights: the Nigerian Context' [2013] 3 (2) *Petroleum Technology Development Journal* P. 26-33. <https://www.researchgate.net/publication/339018695_the_nature_of_environmental_rights_the_nigerian_context> accessed 11 march, 2026

[10] ibid

[11] ibid.

environmental rights had been legally codified and/or entrenched in several global and regional international instruments that consist of the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), the International Convention for the Prevention of Pollution of the Sea by Oil (1971), the International Convention on Civil Liability for Oil Pollution Damage (1992), International Labour Organisation Convention No. 169 concerning Indigenous and Tribal People in Independent Countries (1989), the International Covenant on the Rights of the Child (1989) and the African Charter on Human and Peoples' Rights (1981), among others. At the Nigerian domestic level, the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Climate Change Act (2021), the National Health Act (2014) and the Criminal Code Act Cap. 38 LFN (2004) are parts and parcels of the national and/or local legislations governing the legal protection and safeguard of the above adumbrated environmental rights. These given rights, pragmatically speaking, are generally vital for humanity to live a life of meaning, purpose, freedom, prosperity and dignity[13].

Finally, as we shall see later in this work, these protective fundamental rights are rather selectively made justiciable in this 21st century Nigeria, coupled with the point that their legal and institutional regulatory frameworks are weak and inadequate. These ills, without doubt, in our opinions, holistically make the rights not to be different from toothless bulldogs that can neither bite nor feed but can only bark.

2.2 The Concept of Environmental Protection

Environmental protection is a preventive measure against unwanted changes to the environment and its components, that is to say, it includes the protection of the ecological system from changes resulting from man-made activities and any consequentially unfavourable natural changes to the environment.[14]Differently put, it implies both the preservation and/or protection of the environment from change alongside the adequate conservation and/or the sustainable use of natural resources. It follows therefore that environmental protection can be legally amplified as the prevention to conserve and preserve the standard healthy level of environment media by reducing the production of pollutants or polluting substances in the environment[15].

In this nexus, the concept of environmental protection, illustratively speaking, is of paramount importance because, when the environment is damaged, for instance, by developmental projects that destroy the land for growing food and farming, people go hungry or become ill and their basic human rights to food, health and adequate standard of living are violated. Similarly, when a government fails to involve local communities in decision-making for example regarding a construction plan or other infrastructural developments in their area, then the communities' rights to participation and right to information are being violated. Environmental protection therefore requires not only the efforts of individuals and corporations for the effective control and

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[13]Junaidu Bello Marshall and Fauziyah Bashir (Mrs.), 'International frameworks for Human Rights and Environmental protection: Challenges and Prospects of Enforcement in Nigeria.' *[*2022] 10 (1) *International Journal of Innovative Legal & Political Studies* 71-72. <https://share.google/x964q6FNZDQYPniRm> accessed 12 March, 2026

[14] ibid n11, p. 211

[15] Ibid n12, p. 66

management of the environment and its components, it equally and basically requires that of the government[16].

On a final note, the exercise of many rights holistically depends on environmental protection. These said rights as substantially earlier itemised — including right to life, health, food, privacy, public participation, access to justice, among many others— have the environment as a precondition for their general fulfillment and satisfaction. In this regard, environmental protection is immeasurably vital as damage to the environment may reasonably interfere with the enjoyment of environmental rights and freedoms[17].

3 BASIC GLOBAL AND REGIONAL INSTRUMENTS FOR ENVIRONMENTAL RIGHTS' LEGAL PROTECTION IN NIGERIA

In this contemporary era, basic international legal instruments (both at global and regional levels) are legion for the protection of environmental rights and freedoms at all times and climes. Nigeria having been signatory to many of same, they constitute the minimum acceptable standards of protection and international obligations that must be upheld and fulfilled by her without any let or hindrance. Without much ado, some of these basic global and regional legal instruments are aptly explored below.

3.1 International Covenant on Economic Social and Cultural Rights (1966)

This is a vital international human rights legal instruments that safeguards a wide range of environmental rights and freedoms. Accordingly, Article 12 of this pivotal instrument provides that everyone has the right to the enjoyment of the highest attainable standard of physical and mental health and stipulates the steps to be taken by state parties to achieve the full realisation of this right. Article 11 protects all person's right to adequate standard of living while Article 7(b) thereof addresses the right of humanity to safe and healthy working conditions[18]. Without mincing words, Article 7(b) herein cited vigorously and categorically provides for the hereinbefore mentioned specific protection in the following dictum;

> *The state parties to the present covenant recognise the right of everyone to the enjoyment of just and favourable conditions of work, which ensure, in particular, safe and healthy working conditions...*[19]

Premised on the above intensive provision, it is crystal clear that environmental protection is not only a dominant part and parcel of human rights but also a germane precondition for the enjoyable existence of many other human rights and fundamental freedoms.

3.2 International Convention for the Prevention of Pollution of the Sea by Oil (1971)

Adopted in London by the Conference on Pollution of the Sea By Oil, this convention established certain "prohibited zones" or areas of the sea within which the discharge of oil or oily mixtures by tankers is prohibited, subject to a few well defined exceptions contained in Article 3 thereof. It further stipulates that any contravention of its prohibitions by a ship shall be an

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[16] ibid n12, p. 66
[17] ibid n 12, p. 66
[18] The International Covenant on Economic, Social and Cultural Rights, 1966
[19] ibid., Article 7 (b) thereof

offence punishable under the laws of the territory in which the ship is registered[20]. All in all, Article 7 of this convention provides that ships within its jurisdiction shall be required to be fitted so as to prevent the escape of oil into the sea without being passed through an oily-water separator[21]. The above provisions clearly depict that environmental rights protection has to do with not only the lands, air and forests, but also the water bodies all around the world which form part and parcel of the human environment[22].

3.3 Convention on the Right of the Child (1989)

Environmental rights for children are primarily established by the United Nations through a right-based approach to environmental health, ensuring access to clean air, water, land, and protecting them from pollutants in these areas. While Article 24 (2) (c) of this convention places a duty on states to combat diseases and malnutrition by taking into account the dangers and risks of environmental pollution and ensuring access to clean drinking water and nutritious food, Article 31 thereof safeguards the right to leisure, rest, and a safe, clean environment in which to play[23]. Equally, Article 29 (1) (e) of this convention provides for proper education towards the development of respect for the natural environment[24].

3.4 ILO Convention No. 169 Concerning Indigenous and Tribal People in Independent Countries (1989)

This is a leading international treaty protecting the rights of indigenous and tribal people and mandating respect for their culture(s), land(s) and right to define development priorities centering on consultation and participation. Specifically speaking part II thereof deals with the rights of people in respect of natural resources accumulated in their land[25]. Again, Article 30 of the provision requires the government to make known to people concerned their rights and duties. In brevity, the convention collectively ensures and guards the right of indigenous people to exercise control over their own economic, social and cultural development[26].

3.5 African Charter on Human and Peoples' Rights (1981)

The African Charter on Human and Peoples' Rights is an international human rights instrument that is intended to promote and protect human rights and basic freedoms in the continent of Africa. Recognizing series of human rights for the protection of humanity, it provides for the right of all people to a general satisfactory environment favourable to their development[27]. Categorically, Article 24 clearly states in the following wordings: "All people shall have the right to a general satisfactory environment favourable to their development."[28]. Without mincing words, Article 16 thereof further guarantees the right of individuals to enjoy the best attainable

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[20] ibid n12, p. 71
[21] ibid n12, p. 71
[22] ibid n12, p. 71
[23]See Convention on the Rights of the Child 1989
[24] ibid., see Article 29 thereof
[25] See generally the International Labour organization convention no. 169 concerning Indigenous and Tribal people in Independent Countries (1989)
[26] ibid., Article 30 thereof
[27] Ibid n12, p. 70
[28]See African Charter on Human and Peoples' Rights, (Article 24 thereof)

state of physical and mental health, while Article 4 emphatically provides for the inviolability of human lives[29].

Generally, this Charter which has binding force on all African countries had been applied in protection of the environment in distinct instances. In the case of *SERAC v Nigeria* for instance, it was held by the African commission that the right to a clean environment (Article 24 of the Charter) was violated by oil pollution and environment degradation in Nigeria's Delta.[30]Similarly, in *African Commission on Human and Peoples' Rights v Kenya*, the African Court on Human and Peoples' rights ruled that the Kenyan government violated the land and cultural rights of the indigenous Ogiek community by evicting them from the Mau forest[31].

Finally, the above provisions and judicial authorities clearly show that human rights and environmental protection are intertwined, interrelated and interdependent to the extent that one can hardly reasonably exist without the presence of the other, and as environmental rights are fast-growing, so equally are the rationale and jurisprudence behind their application and enforcement all around the world.

3.6 The Municipal Legislations for Environmental Rights Protection in Nigeria

In the contemporary Nigerian federation, several human rights laws exist that protect the environment and promote sustainable development. Similarly existent are other Acts of National Assembly that punish environmental degradation, pollution and poisoning of the ecosystem. A combination of these provisions are idealistically examined below:

3.6.1 *Constitution of the Federal Republic of Nigeria 1999 (as Amended*)

Section 20 of the Nigerian Constitution emphatically outlines the nation's environmental objectives via a clause for the protection and improvement of the environment, including water, air, land, forest and wildlife[32]. However, this provision is located within Chapter 2 of the constitution titled: "Fundamental Objectives and Directive Principles of State Policy" which chapter is, unfortunately, not legally justiciable. This chapter equally contains several other environmental rights such as right to health, water, adequate standard of living, work, equal opportunities, good livelihood and so on. Nonetheless, section 6 (6) (c) of the Constitution states that judicial powers do not extend to issues concerning the conformity of laws or decisions of courts with the principles outlined in Chapter 2. Consequently, the enforcement of these environmental principles cannot ordinarily be compelled in court[33]. Judicial decisions such as *Abacha v. Gani Fawehinmi*[34]and *Okogie v Attorney General of Lagos State*[35] have affirmed that these provisions are not legally justiciable.

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[29] ibid., Article 16
[30] SERAC v Nigeria (2001) AHRLR 60
[31] African Commission on Human and Peoples' Rights v Kenya (2017) AFCLR 9 (Merits)
[32] Nkechi Nyere Houmachiworluh-Okolie,'Human Rights Law and Environmental Protection: A focus on Nigeria' [2024] 10 (3) *International Journal of Law* 17<https://share.google/IcqmjS4QZhfshLXnH> accessed 12 March, 2026
[33] ibid
[34] *Abacha v GaniFawehinmi* (2000) 6 NWLR (PT 660) 228
[35] *Okogie v Attorney-General of Lagos State* (1981) 1 NCLR 218 HC

However, the rights in Chapter 4 of the same 1999 constitution are fundamental and ordinarily justiciable, forming the basis for enforcing the right to a clean environment. For example, section 33 (1) of the constitution guarantees the right to life, implying that living in an unhealthy environment can jeopardise this right. Section 34 protects human dignity, denoting that polluting the water or land makes an environment worthless of human dignity and habitation. Yet, section 44 ensures property rights, suggesting that actions endangering the environment could violate property rights, thus becoming justiceable[36].

Back to the Chapter 2 of the Nigerian constitution, in this contemporary century, by virtue of item 60 (a) of the second schedule of the constitution, any right contained under chapter 2 of the constitution can become justiciable, if and when such a right has been enacted into law through an enabling Act of the National Assembly[37]. An example is the compulsory, free Universal Basic Education Act 2004 which has now made childhood education up till junior secondary school level legally justiciable[38]. Accordingly, in the case of *Attorney General of Ondo State v Attorney General of the Federation,* the court had held that the rights provided in chapter 2 of the constitution are enforceable in instances where the government has enacted statutes to actualise them[39]. This was also the decision in *Gbemre v Shell.*[40] Again, without mincing words, the Supreme Court clearly held in *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* that the right to life is integral to ensuring a clean environment. Hence, breaching environmental rights also violates the right to life[41].In a nutshell, environmental rights contained under chapter 2 of the constitution become justiciable if and when they are enacted into enabling (laws) via an Act of the National Assembly.

3.6.2 ***Criminal Code Act (Cap C 38 LFN) 2004***

The Nigerian Criminal Code criminalises certain acts of environmental rights violation, thereby making them punishable by imprisonment. Thus, section 247 thereof criminalises polluting the environment and making it poisonous to human health, punishing same with six months imprisonment without the option of fine[42]. Moreover, section 245 of the same Code duly provides as follows:

> *Any person who corrupts or fouls the water of any spring, stream, well, tank, reservoir or place, so as to render it less fit for the purpose for which it is ordinarily used is guilty of a misdemeanor and is liable to imprisonment for six months.*[43]

In accordance with the foregoing, it is thus without doubt that the criminal code protects environmental rights via the imposition of penal sanctions for their violation.

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[36] See generally chapter 4 of the constitution of the federal Republic of Nigeria 1999 (as amended)
[37] See item 60 (a) of the 2nd schedule to the CFRN 1999 (as amended)
[38] Compulsory Free Universal Basic Education Act, 2004
[39] *Attorney-General of Ondo State v Attorney-General of the Federation &ors* (2002) 9 NWLR (PT 772) 222
[40] *Gbemre v Shell* (FHC/B/CS/53/05, 14 November, 2005)
[41] *Centre for Oil Pollution Watch v NNPC* (2019) 5 NWLR (PT 1666) 518
[42] Criminal Code Act (Cap C 38 LFN) 2004, section 247 thereof
[43] ibid., section 245

3.6.3 *Climate Change Act (2021)*

This is an Act of Nigeria's National Assembly channeled towards championing the mitigation of greenhouse gas emissions, enhancing resilience to climate change impacts and promoting sustainable developments. The Act is applicable to not only all ministries, departments and agencies of the federal government of Nigeria but equally to all public and private entities in Nigeria[44]. The Act establishes by virtue of section 3 thereof a council identified and known as the National Council on Climate Change which is vested with the powers to develop policies and make decisions on all matters concerning climate change in Nigeria. In essence, the Act penalises any act that is incompatible with the principles and/or measures for the maintenance and sustenance of the obligations created by this Act for Ministries, Departments and Agencies, private entities and public entities under sections 22, 24 and 23 thereof[45]. To draw home the points, section 34 (1) of the Act firmly provides as follows:

> *A person or private or public entity that acts in a manner that negatively affects efforts towards mitigation and adaptation measures made under this Act commits an offence and is liable to a penalty to be determined by the council.*[46]

All in all, the Act guards and safeguards the environment from atmospheric damage, degradation and climate change.

3.6.4 *National Health Act (2014)*

The National Health Act provides frameworks for regulation, management and development of national health system and sets standards for rendering healthcare services in the country. It introduces collaboration between private and public health sectors as well as reels out support for the creation of Basic Health Care Provision Fund which is channeled towards ensuring that all Nigerians, particularly those in underserved areas, have access to essential health services[47]. In brevity, this Act expands and explains the scope of right to health bound to be enjoyed by each and every *bonafide* Nigerian[48].

4 BASIC CAUSES AND TYPES OF ENVIRONMENTAL RIGHTS INFRINGEMENTS IN THE CONTEMPORARY NIGERIA

The common causes and types of environmental rights infringements in Nigeria are not much different from those that are obtainable in other places; only the degree and specifics differ. In particular, basic causes and kinds of environmental rights infringements in the contemporary Nigeria come from conscious and unconscious actions of humanity and they affect all sectors of the environment, including but not limited to water, air, soil, wildlife and forests from which human health is negatively impacted[49]. Without an iota of doubt, some of the common causes and kinds of environmental rights infringement in Nigeria are briskly highlighted below:

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[44]See generally the Climate Change Act, 2021
[45]ibid.
[46]ibid., section 34 thereof
[47]See generally National Health Act, 2014
[48]ibid.
[49] ibid n12, p. 69

4.1 Deforestation and Desertification

According to Black's Law Dictionary (2nd edition)[50], deforestation has been defined as the clearing of forests or removing trees to make land for housing, agriculture or firewood in which case nothing is replanted and no time is allowed for forest regeneration.[51] In the same vein, desertification implies the conversion of grassland or arid land into a desert through human action known as deforestation.[52] It is the liberal opinion of ours that deforestation and desertification are two conducts that, albeit unconsciously, violate the environmental rights of majority of Nigerians today. Undoubtedly, therefore, they adversely affect the forests, wildlife, soil and so forth, thereby deteriorating the healthy habitat and comfortable environment in which man resides. All in all, this is even much worse when carried out without the information or participation of the inhabitants or dwellers of the environment affected.

4.2 Oil Pollution

Oil exploration and production activities are also major culprits of environmental rights infringement in the contemporary Nigeria. Volatile organic compounds are emitted into the environment (from equipment failures, leakages from fittings and valves et cetera). Pollutants are thus often emitted from combustion systems and process emissions, and so forth. Added to this is oil spillage which often contaminates water bodies making them unfit for human use. All of these contribute adversely to the persistent infringement of environmental rights in Nigeria, most especially in the oil-rich Niger-Delta sub-region.[53]

4.3 Gas Flaring and Air Pollution

According to O. I. Asubiojo[54], a qualified chemist from ObafemiAwolowo University Ile-Ife, industrial activities are the greatest sources of man-made pollution of the atmosphere. This, he further opines, is particularly so in countries like Nigeria where most of the operating industries were set-up when there were no pollution abatement regulations in place[55]. Again, he clearly submits that atmospheric pollutants from motor vehicles are further contributory to air pollution in Nigeria. Accordingly, these researchers humbly submit that the indiscriminate gas flaring and air pollution in Nigeria continuously constitute flagrant violation of the sacred environmental rights to health, dignity of human person and life of all Nigerians[56].

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[50] Bryan A Garner, *Black's Law Dictionary* (11thedn, Thomsom Reuters, 2019)
[51]Fatima Zahra'u Shehu, *Critical Analysis of the Legal Framework for the prevention and Control of Desertification in Nigeria* (LL.M Dissertation, Faculty of Law, Bayero University, Kano, 2015), p. 28; Bryan A. Garner, *Black's Law Dictionary* (11thedn, Thomsom Reuters, 2019)
[52]ibid., p. 26; Bryan A. Garner, *Black's Law Dictionary* (11thedn, Thomsom Reuters, 2019)
[53]OI Asubiojo, 'Pollution Sources in the Nigerian Environment and their Health Implications' (2016) 18 (4) *Ife Journal of Science* 974-975<https://share.googlelyTFbXit73EQJxOJXD> accessed 13 March, 2026
[54] ibid., pp. 976-977
[55]ibid., pp. 976-977
[56]ibid.

4.4 Solid Waste Dumps and Open Defecation

The problem of solid waste disposal is a major environmental issue in Nigeria, particularly in the urban centres. So also is the incessant problem of open defecation in rural areas. A supposed practice for solving this perennial problem in the contemporary time, especially in urban areas, is the organisation for disposal of solid waste at designated sites. However, this has also turned out to be an indirect source of atmospheric pollution by way of bio-degradation of organic waste producing methane, a greenhouse gas and other gaseous toxins.[57] A further complication to the environmental right infringement is heavy pollution of adjoining soil, rivers and groundwaters in the neighborhood of solid waste dump, which invariably amounts to a direct violation of right to health, life, dignity of human person and general satisfactory environment favorable to development[58].

4.5 Domestic Practices

Wood burning for domestic cooking is still very prevalent in Nigeria, most especially in rural areas. This practice results in the production of smoke which contains toxins including carbon monoxide, sulphur dioxide and particulate matter all of which are injurious to health living, life and livelihood[59]. In brevity, the right to a healthy, liberal and protected environment is persistently infringed upon in multifarious ways in Nigeria. These infringements, in the opinion of these researchers, pose threats which, if not remedially averted, have a host of disastrous consequences for individuals, organizations and the nation at large. The remaining aspects of this paper shall unravel the effects of these infringements and the enforcement mechanisms and challenges to environmental rights protection in the 21st century Nigeria. It shall also distill way-forward remedies in this direction.

4.6 The Overall Effects of Environmental Rights Infringements on the Contemporary Nigeria

The overall effects of environmental rights infringements on Nigeria capture health implications, increase in mortality rate, conflicts and insecurities, disunity and secessionist agitations, epidemics of economic poverty and diseases as well as increase in crimes rate and decrease in productivity, to mention but a few [60]. All of these effects are examined seriatim.

4.6.1 *Health Implications*

According to O. I. Asubiojo[61], the commonest route of exposure to air pollutants is by inhalation, but direct absorption through the skin or via food and water are also important pathways. These inhalations and absorptions cause inflammations in the body which impair lung functions and trigger cardiovascular problems[62]. Again, these pollutants replace oxygen with carbon monoxide in the bloodstream, thereby impairing vision, alertness and other physical and mental capacities.

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[57]ibid., p. 976
[58]ibid.
[59]ibid., p. 977
[60]Ugochukwu Daniel Samuel and Others, 'economic Growth and environmental sustainability: Empirical Evidence from Selected African Countries.' path of science [2024] 10(3) *International Electronic Scientific Journal* p.1 < https://pathof science.org/index/php/ps/article/view/3040 > accessed 13 March, 2026
[61] ibid n 51, pp. 977-979
[62] ibid n 51, pp. 977-979

These health implications and challenges which have severely destructive effects on people, especially people with heart and lung problems, form a critical effect of environmental rights infringements on the federal republic of Nigeria[63].

4.6.2 *Increase in Mortality Rate*

It is our analogy as researchers that health implications posed by environmental rights infringement as hereinabove indicated have the tendency of increasing death rates across the nation, most especially if left unchecked. This, in the long run, has the tendency of crumbling many dreams, shattering many lives and destroying many destinies, which in turn generally can portray the country's global image in a bad light.

4.6.3 *Conflicts and Insecurities*

We logically submit and posit that conflicts and insecurity would be on the rise in Nigeria if and when the government, for example, continues to violate the environmental rights of any particular community with impunity. Citizens in the bid to protect their rights may take to arms, hence destabilising and terrorising the nation. An example of this kind of insecurity was that caused by the Niger Delta militants in Nigeria in recent times in protest against their perceived marginalisation and indiscriminate violation of their environmental rights.

4.6.4 Increased poverty and Decreased National productivity

These researchers opine, and humbly too, that the contamination of basic water bodies, destruction of farmlands and general desertification of the Nigerian environment in the short-run increases poverty which in the long-run decreases productivity among affected citizens both mentally, socially and economically. This, yet, constitutes parts of the damaging effects of environmental rights infringement on the nation Nigeria.

4.6.5 *Disunity and secessionist Agitations*

Secessionist groups like the IPOB (i.e the Indigenous people of Biafra), have emerged in the contemporary times. This, among other points, is based on their felt environmental injustice and political neglects that have been melted on the oil-producing states for a long time now. All of these and many more constitute the consequential effects of environmental rights infringements in the contemporary Nigeria.

5. ESSENTIAL MECHANISMS FOR THE PROTECTION OF ENVIRONMENTAL RIGHTS IN THE CONTEMPORARY NIGERIA

Certain mechanisms are in place for the protection of environmental rights in this 21st century Nigeria. Albeit, these said mechanisms are rather weak and inadequate; coupled with other practical negative administrative factors that stand on their pathways in this holistic protection. Some of these protective mechanisms are aptly examined below.

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[63]ibid.

5.1 The Judiciary

Section 6(1) of the Nigerian Constitution vests the judicial powers of the federation in the federal courts, while subsection 2 thereof vests similar powers in the state courts. These powers of course include the power to adjudicate over human rights cases, including environmental rights actions.[64] Nevertheless, section 6 (6) (c) exempts the second generation rights contained under chapter 2 of the constitution such as right to work, water, good standard of living, equality, shelter and so on from judicial application and enforcement until their enactment in an Act of the National Assembly when they shall become justiciable by virtue of item 60(a) of the Second Schedule to the Constitution[65]. As such, the judiciary remains one of the essential and foremost mechanisms for the enforcement of environmental rights in the contemporary Nigeria.

5.2 National Human Rights Commission

This is a Nigerian commission that serves as an extra-judicial mechanism for the respect and enforcement of human rights. It also provides avenues for public enlightenment, research and dialogue in order to raise awareness on human rights issues[66].

5.3 International organisations and Agencies

Organisations and agencies of international status such as Human Rights Watch and Amnesty International play significant roles within the arena of human rights and environmental protection. For example in the case of *Social and Economic Rights Action Centre (SERAC) & Another v. Nigeria*, the African Commission on Human and Peoples' Rights found Nigeria to have violated the African Charter (including right to health, housing and environment) regarding the Ogoni people's rights during oil exploration.[67] In many instances too, the Human Rights Watch also exposed and condemned issues of human rights violations across Nigeria.

5.4 Legal Aid Council and the Nigerian Bar Association

Legal Aid Council renders support to indigent citizens with toll-free prosecution of cases including that which relates to human rights, and so also does the Nigerian Bar Association. This has gone a long way in bridging the peculiar gap between poverty and human and environmental rights enforcement[68].

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[64]CFRN 1999 (as amended)
[65] ibid.
[66]Worluh-Okolie, NkechinyereHuomachi and Joseph-Afoh, ChukwuDemebiOkoye, Legal and Institutional Frameworks for Human Rights protection in Nigeria: Challenges and pathways to Effective enforcement' [2024] 1(2) *Fountain University Law Journal* P. 209-210. <https://journals.npsa-se.org.ng/index.php/SEJPS/article/view/12/11> accessed 13 March, 2026
[67]*SERAC v Nigeria* (2001) AHRLR 60
[68] ibid n62

5.5 Civil Society Organisations

Oodua Peoples' Congress, Red Cross society, Arewa Peoples Congress and so forth equally aid the cause of human rights and social justice in many fronts including agitation for human rights and socio-political interests.[69]

6. ENFORCEMENT CHALLENGES BEDEVILING HUMAN RIGHTS AND ENVIRONMENTAL RIGHTS PROTECTION IN THE 21ST CENTURY NIGERIA

There exist certain impediments which obstruct the enforcement of human rights and environmental rights protection in this contemporary era. Some of these impediments include the followings;

6.1 Non-justiceability of chapter 2 of the Nigerian constitution

Although, item 60 (a) of the second schedule of the Nigerian Constitution has now made any second generation right enacted into an enabling Act of National Assembly to become justiciable, only right to education up to the JSS 3 level and right to health have so far benefitted from this provision as a form of environmental right[70]. Thus, all other forms of environmental rights contained under chapter 2 of the Constitution remain non-justiciable as they have not been so enacted. This loophole constitutes a huge challenge to the enforcement of such second generation rights such as right to work, housing, good standard of living and so forth on an environmental front, thereby making the adequate protection of such environmental rights an illusion in Nigeria[71].

6.2 Lack of Adequate Regulations linking Human Rights and environmental protection

It has become a challenge in Nigeria that human rights are treated independent of environmental protection which make the enforcement of environmental protection rights more difficult in Nigeria.[72]

6.3 Lack of Education and Awareness

It is our view that a vast majority of Nigerians are unaware of environmental rights. This makes the situation worse as they do not enforce their breach as a result of this fact. The resultant effect of same on environmental protection is massive as a lot of citizens suffer in silence, wallow in poverty and live in denial.

6.4 Poor Implementation and Monitoring

We humbly submit that successive governments have treated the monitoring and/or implementation of this right with neglect. Again, this without doubt, has made environmental rights violations to indiscriminately persist to exist.

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[69]Philip Terzungwe Vande and Innocent Jooji, 'The civil society organisation, Good governance and Democratic consolidation in Nigeria' [2017] 3(1) *Southeast Journal of political Science* 206-210 <https://journals.aphriapub.com/index.php/SEJPS/article/view/789/766> accessed 14 March, 2026

[70]See generally chapter 2 of the CFRN 1999 (as amended)

[71] ibid n12, p. 72

[72] ibid n 12, p. 73

6.5 Corruption, Impunity and Bad Leadership

Corruption on the part of private citizens, organisations and government, we opine, have also backwarded the progress of environmental right enforcement and protection in Nigeria. The judiciary is not left out in this decadence. This alongside other foregoing factors, including impunity and bad leadership, constitute a clog in the wheel of the protection and enforcement of environmental rights in this contemporary century in Nigeria.

7. CONCLUSION AND RECOMMENDATIONS

7.1 Conclusion

This paper treated human rights and environmental protection in this 21st century Nigeria with the primary objective of proffering way-forward remedies to the limitless violation of environmental freedoms in Nigeria. It finds that human rights and environmental protection are fruits of the same tree, albeit Nigeria lacks adequate legal and institutional mechanisms for their sustenance and protection. It further finds that basic challenges are legion surrounding the promotion, protection and enforcement of environmental rights in Nigeria, and recommends appropriately to lawmakers, the judiciary, organisations, groups and individual citizen(s) alike some viable panaceas towards remedying these anomalies throughout the federal Republic of Nigeria.

It posits that environmental right infringements have become a major menace which makes the protection of other human rights in Nigeria an illusion. It hence sees the need for its stoppage as a form of emergency. It submits that any further delay in this regard could lead to larger societal problems in the realm of human right and environmental freedom and calls on all stakeholders to play their respective parts

7.2 Recommendations

In this 21st century when the world is fast progressing in the realm of human rights and environmental protection, it behoves Nigerians not to be left behind. Accordingly, practical way-forward remedies are therefore herein-below amply highlighted by these researchers for the promotion and protection of environmental rights. These remedies are reeled out as follows:

7.2.1 *Legislative Action to Make the Provisions of chapter 2 of the Constitution Legally Justiciable*

The Constitution of the Federal Republic Of Nigeria 1999 (as amended) should be thoroughly amended so that the environmental rights placed under chapter 2 of the constitution can be moved to chapter 4 thereof, hence making them legally justiciable before the courts.

7.2.2 *Promotion of Public Education and Awareness*

Public sensitisation on environmental rights should be championed by civil societies, groups and organisations, so as to make the masses become aware of these rights and their usefulness. Forums such as schools, radio and television corporations, newspaper outlets and social media campaigns would go a long way in achieving this aim.

7.2.3 *Community-led Monitoring and Technological Solutions*

Each and every community (most especially the oil-producing ones) of Nigeria should take up the responsibility of monitoring their environments while the government assists such communities with important technologies to advance this surveillance. This would go a long way in enhancing the discovery of environmental right violation for timely and appropriate legal actions.

7.2.4 *Increasing penal sanctions for violations*

The punishment aspect of laws that criminalize the violation of certain environmental rights should be amended so as to review such punishments upward. This would go a long way in serving as deterrent to all violators and enhance compliance with the operative laws in this regard in the Nigerian societies.

7.2.5 *Institutionalisation of Laws*

Cogent and special institutions for the enforcement of environmental laws which will be the similitude of the police and other law enforcement agencies should be created and empowered to compel respect and redress for environmental laws in Nigeria. This would again, go a long way in restoring the sanctity of the Nigeria environments and uphold the effectiveness of environmental laws across the federal Republic of Nigeria.

7.2.6 *Combacting Corruption, Impunity and Bad Leadership*

Corrupt judges, organisations and even government officials should be thoroughly investigated and duly prosecuted. This justice should be extended to individuals alike. So doing would create a permanent statement about Nigeria's stance against this anomaly as well as against impunity and bad leadership across the federal Republic of Nigeria. Nigeria should thus strengthen both legal and institutional mechanisms for environmental rights protection and enforcement.