

**UNCOVERING THE LEGAL IMPASSE POSED BY LOCUS STANDI IN
ENVIRONMENTAL RIGHTS LITIGATION IN NIGERIA: A PROPOSED REFORM**

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CERTIFICATION

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DEDICATION

This project is dedicated, first, to the Almighty God, who has been my strength and succor from birth till now, and to my parents, Mr. and Mrs. Obasohan, who have been quintessential exemplars of what parents should be.

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I extend my deepest gratitude to my project supervisor, Prof. L.A. Atsegbua, SAN whose invaluable guidance, meticulous proofreading, and insightful corrections shaped this work into what it is today. Sir, if there is anything outstanding about this research, it is a testament to your dedication and expertise.

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The Nigerian Maritime Administration and Safety Agency (NIMASA) Act 2007

INTERNATIONAL

United Nations Framework Convention on Climate Change (UNFCCC), 1992

Kyoto Protocol to the UNFCCC, 1997

LIST OF ABBREVIATIONS

CA: Court of Appeal

CAP:	Chapter
CDM :	Clean Development Mechanism
CFRN:	Constitution of the Federal Republic of Nigeria
DPR:	Department of Petroleum Resources
EIA:	Environmental Impact Assessment
FEPA:	Federal Environmental Protection Agency
GHG:	Greenhouse Gas
Ibid:	Same Author and Authority
IOC:	International Oil Company
JSC:	Justice of the Supreme Court
JTF:	Joint Task Force
KP:	Kyoto Protocol
LFN:	Laws of the Federation of Nigeria
NCDMB:	Nigerian Content Development and Monitoring Board
NIMASA:	Nigerian Maritime Administration and Safety Agency
NMDPRA:	Nigerian Midstream and Downstream Petroleum Regulatory Authority
NNOC:	Nigerian National Oil Corporation
NNPC:	Nigerian National Petroleum Company
NOSDRA:	National Oil Spill Detection and Response Agency
NPRC:	Nigerian Petroleum Refining Company

NUPRC:	Nigerian Upstream Petroleum Regulatory Commission
OPEC:	Organization of Petroleum Exporting Countries
PEFMB:	Petroleum Equalization Fund (Management) Board
PIA:	Petroleum Industry Act
PPPRA:	Petroleum Products Pricing Regulatory Agency
THC:	Total Hydrocarbon Content
UNFCCC:	United Nations Framework Convention on Climate Change
WRPC:	Warri Refining and Petrochemical Company

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ABSTRACT

Environmental pollution is a global concern, with Nigeria being one of the highest emitters of greenhouse gases due to its crude oil production. Environmental degradation has led to adverse socio-economic impacts, including population displacement, reduced agricultural productivity, and health hazards. While several regulatory frameworks exist to combat environmental pollution, including the Constitution of the Federal Republic of Nigeria, the Environmental Impact Assessment Act, and the Climate Change Act, they are hindered by fragmented enforcement mechanisms. A significant barrier to environmental rights enforcement in Nigeria is the constitutional limitation under Section 6(6)(c) of the 1999 Constitution, which renders environmental rights non-justiciable. This limitation prevents individuals and communities from seeking legal redress for environmental harm. However, proponents argue that environmental rights remain enforceable under the African Charter on

Human and Peoples' Rights, as recognized in cases such as *Fawehinmi v Abacha* and *Gbemre v SPDC*. This study examines the challenges posed by locus standi in environmental litigation, which restricts access to justice for affected individuals and communities. It explores the need for a broader interpretation of standing, as adopted in other jurisdictions, to enhance environmental accountability. The research findings reveal that Nigeria's environmental regulatory framework, though robust in scope, suffers from weak implementation and judicial conservatism. The study advocates for constitutional amendments to recognize environmental rights as justiciable, alongside procedural reforms to ease access to courts. Strengthening judicial interpretation, promoting public interest litigation, and aligning national laws with international environmental treaties are recommended. Ultimately, this research underscores the necessity of a legal framework that ensures environmental justice, safeguards human rights, and fosters sustainable development in Nigeria.

CHAPTER ONE

1.1. INTRODUCTION

The world over, environmental pollution has become a growing concern with alarming rates of carbon and Greenhouse gas (GHG) emissions. The Nigerian situation is highly precarious as it is reputed to be one of the world's seven largest emitters of greenhouse gas emissions (GHG).¹ This is undeniably true when one considers the fact that Nigeria is the fourth largest producer of crude oil in Africa, which is her economic mainstay.² Environmental disasters such as flooding, erosion, hurricanes, bush fires, earthquakes, and tsunamis are all attributable to environmental pollution.³ Also, some socio-economic conditions such as famine, population displacement, forced migration, low crop-yield and livestock mortalities are covertly linked to environmental pollution and this reflects the cross-sectoral dimension of the reverberating impacts of climate change.⁴ Evidence of the negative impacts of climate change have been observed in the sectors of Agriculture,⁵ Environment,⁶ and Health,⁷ to name a few.

¹ U. Afinotan, 'How Serious is Nigeria about Climate Change Mitigation Through Gas Flaring Regulation in the Niger Delta' (2022) 24(4) *Environmental Law Review*, 290.
<https://doi.org/10.1177/14614529221137142>

² M.M. Goodnews and S.A Wordu, 'Analysis of Trend and Emerging Factors of Artisanal Refining in the Niger Delta Region of Nigeria' [2019] 7(1) *International Journal of Innovative Human Ecology & Native Studies*, 43–55.

³ A.A. Idowu and others, 'Impact of Climate Change in Nigeria' (2011) 2(2) *Iranica Journal of Energy & Environment*, 146.

⁴ S.O. Amadi and A.O. Udo, 'Climate Change in Contemporary Nigeria: An Empirical Analysis of Trends, Impacts, Challenges and Coping Strategies' (2015) 7(2) *IOSR Journal of Applied Pyhsics*, 5–7.
<https://doi.org/10.970/4861-07230109>

⁵ D.V. Akinyi, S.K. Ng'ang'a, and E.H. Girvetz, 'Trade-offs and Synergies of Climate Change Adaptation Strategies Among Smallholder Farmers in Sub-Saharan Africa: A Systematic Review' (2021) 2 *Regional Sustainability*, 130–143. <https://doi.org/10.1016/j.regsus.2021.05.002> accessed 16 November 2024.

⁶ O. Mertz and Others, 'Climate Variability and Environmental Stress in the Sudan-Sahel Zone of West Africa' (2012) 41(4) *AMBIO A Journal of the Human Environment*, 380–392.
<https://doi.org/10.1007/s13280-011-0231-8> accessed 16 November 2024.

⁷ N. Watts, 'The Lancet Countdown on Health and Climate Change: From 25 Years of Inaction to a Global Transformation for Public Health' (2018) 391(10120) *LANCET*, 581–630.
<[https://doi.org/10.1016/s0140-6736\(17\)32464-9](https://doi.org/10.1016/s0140-6736(17)32464-9) accessed 16 November 2024.

Till date, several regulatory frameworks and policy responses have been taken to curb this growing malaise. Some of them include the Constitution of the Federal Republic of Nigeria, 1999 (as amended),⁸ Associated Gas Reinjection Act⁹ the Environmental Impact Assessment Act,¹⁰ the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007, and the Climate Change Act, 2021. These statutory frameworks described as haphazard, uncoordinated, fragmented,¹¹ but nevertheless, sturdy, noticeable and appreciable indicator of the nation's commitment to combat environmental pollution.

However, from a human rights perspective, they are still subject to the constitutional impasse enshrined in section 6(6)(c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). This section renders non-justiciable the directives, objectives, and principles of state policy enshrined in Chapter II of the 1999 Constitution, which includes environmental protection. As a result, environmental rights do not enjoy the same degree of protection, and ease of enforcement as the rights provided for under Chapter IV of the 1999 Constitution.

Nonetheless, it has been argued that environmental rights is still justiciable in Nigeria, by virtue of the African Charter on Human and People's Rights (Ratification and Enforcement) Act (hereinafter "African Charter").¹² This viewpoint relies on the court's interpretation of the Act in *Fawehinmi v Abacha*, and is reinforced by the position of the court in recent cases such as *Gbemre v SDPC*¹³ and *NNPC v COPWATCH*.¹⁴ This long essay argues that environmental rights do exist in Nigeria, by virtue of the African Charter, and can be enforced via the same.

⁸ CAP. C23, LFN 2004

⁹ CAP. A25, LFN 2004.

¹⁰ Act No. 86 of 1992.

¹¹ P. Elias and A. Omojola, 'Case Study: The Challenges of Climate Change for Lagos, Nigeria' (2015) 13 *Current Opinion in Environmental Sustainability*, 74–78. <<https://doi.org/10.1016/j.cosust.2015.02.008>> accessed 16 November 2024.

¹² CAP. A9, LFN 2004.

¹³ (2005) Unreported Suit No: FHC/B/CS/53/05.

¹⁴ (2019) 15 NWLR (pt. 1666), 548.

1.2. STATEMENT OF PROBLEM

The first problem addressed in this research is the non-justiciability of Chapter II of the Constitution of the Federal Republic of Nigeria, 1999 (as amended),¹⁵ which contains the directives, objectives, and principles of state policy, including environmental protection. Section 6(6)(c) of the Constitution limits the enforceability of these provisions, rendering them mere aspirations without legal effect.¹⁶ As a result, environmental rights in Nigeria lack the same protection and enforceability as the fundamental rights enshrined in Chapter IV of the Constitution. This constitutional impasse hinders the effective realization of environmental protection goals and limits accountability for environmental violations.

The second problem concerns the issue of locus standi, which often serves as a procedural barrier to the adjudication of environmental cases. Courts in Nigeria have frequently dismissed environmental claims on the grounds that plaintiffs lack the requisite standing to sue. A notable example is the case of *Shell Petroleum Development Company v Chief Gbemre & Ors.*,¹⁷ where the locus standi requirement curtailed access to justice for environmental harm. This creates a significant hurdle for individuals and communities seeking legal redress for environmental degradation, thereby undermining efforts to hold polluters accountable and protect vulnerable populations from environmental hazards.

This research also explores how the interplay between national and international legal frameworks affects the enforcement of environmental rights in Nigeria. While the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act provides an avenue for asserting environmental rights, its application remains underutilized and contested. Cases such as *Gbemre v SDPC* demonstrate the potential for enforcing environmental rights through international legal instruments, yet these precedents have not been fully integrated

¹⁵ CAP. C23, LFN 2004, Ch. II.

¹⁶ Ibid, s. 6(6)(c).

¹⁷ (2005) Unreported Suit No: FHC/B/CS/53/05.

into Nigeria's legal system. Addressing these challenges is critical to ensuring robust environmental protection and advancing the recognition and enforceability of environmental rights in Nigeria.

1.3. RESEARCH QUESTIONS

The following questions are organically generated from the Problem Statement above. They are being drafted as the questions that this Long Essay intends to proffer answers to. These questions are identified below:

- i. What are the major challenges to the enforcement of environmental rights in Nigeria, particularly concerning constitutional non-justiciability and procedural barriers like locus standi?
- ii. How does Nigeria's legal framework for environmental protection compare with international and regional standards on environmental rights?
- iii. To what extent does the African Charter on Human and Peoples' Rights provide an alternative pathway for the enforcement of environmental rights in Nigeria?
- iv. What is the role of the judiciary in addressing procedural and substantive limitations in environmental rights litigation in Nigeria?
- v. How can the legal and institutional frameworks for environmental protection in Nigeria be improved to ensure better recognition and enforcement of environmental rights?

1.4. AIMS AND OBJECTIVES OF THE STUDY

The aim of this work is to examine and analyse the challenges of enforcing environmental rights in Nigeria with specific reference to the non-justiciability of Chapter II of the

Constitution and the issue of Locus Standi as a ground for the dismissal of environmental right actions in the case of *SDPC v Chief Gbemre* on the issue of locus standi. The work sets out to achieve the following objectives:

- i. To examine the challenges hindering the enforcement of environmental rights in Nigeria, focusing on constitutional non-justiciability and procedural barriers like *locus standi*.
- ii. To analyse Nigeria's legal framework for environmental protection in comparison with international and regional standards on environmental rights.
- iii. To evaluate the extent to which the African Charter on Human and Peoples' Rights provides an enforceable basis for environmental rights in Nigeria.
- iv. To assess the role of the judiciary in addressing the procedural and substantive limitations affecting environmental rights litigation.
- v. To propose reforms to Nigeria's legal and institutional frameworks to enhance the recognition and enforcement of environmental rights.

1.5. SCOPE AND LIMITATIONS OF THE STUDY

This research covers the analysis of Environmental Rights in view of Chapter II of the 1999 Constitution of the Federal Republic of Nigeria and the Issue of Locus Standi relied upon by the Supreme Court in the case of *SDPC v Chief Gbemre & Ors.*¹⁸ The researcher did not encounter any limitations in the course of this research.

¹⁸ (2005) Unreported Suit No: FHC/B/CS/53/05.

1.6. SIGNIFICANCE OF THE STUDY

Legal research is often undertaken to impact theory, policy or practice, or to address an existing knowledge gap, besides its contribution to the existing body of literature.¹⁹ Bearing this in mind, the research findings has distinct benefits and impacts within the existing body of literature on the subject of environmental rights enforcement.. This research answers the much-debated issue of whether environmental rights are enforceable in Nigeria. It also sheds light on the position of the African Charter on Human and People's Rights (ACPHR), 1981, vis-à-vis the provisions of section 6(6)(c) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Furthermore, it proposes recommendations to bolster the enforcement of environmental rights in Nigeria, and surmount the impasse in section 6(6)(c). The research findings will undoubtedly be of great benefit to legislative draftsmen, environmental rights activists, non-governmental organizations and domestic government leaders.

1.7. RESEARCH METHODOLOGY

This Essay is set to make use of the Doctrinal Method of Research. Reliance will be on relevant legislations regulating Environmental laws in Nigeria as well as the 1999 Constitution as primary sources of Authority. International treaties and laws such as the African Charter, the Universal Declaration of Human Rights, etc would also be referenced in this work. Reference will also be made to secondary sources such as articles, books and online publications in providing the contributions of several authors on the subject. Finally, emphasis would be placed on judicial precedents, as the past authorities would contribute massively to this research.

¹⁹ B. Ishwara, *Idea and Methods of Legal Research* (Oxford Academic 2020).
<https://doi.org/10.1093/oso/9780199493098.001.0001>

1.8. CHAPTER OVERVIEW

This research study is divided into five chapters, each playing a definite role in achieving the research aims and objectives. The introductory chapter creates a research context, detailing preliminary information necessary for a quality research study. This chapter offers background information and justification for the research and details the research problem, research questions, and aims and objectives; in closing, it introduces the remainder of the research through an outline of the long essay. The second chapter is a literature review containing an in-depth conceptual and theoretical analysis of the research subject using published scholarly literature. The third chapter focuses on the legal framework of environmental rights. In this chapter, the researcher details the international, regional, and municipal framework regulating the enforcement of environmental rights in Nigeria. The fourth chapter appraises the impact of locus standi on environmental rights litigation. In the fifth chapter, the essay is brought to a conclusion.

CHAPTER TWO

CONCEPTUAL, THEORETICAL FRAMEWORKS, AND LITERATURE REVIEW

2.1. INTRODUCTION

Environmental rights litigation in Nigeria faces persistent challenges stemming from constitutional limitations, procedural barriers, and the underutilisation of international legal frameworks. The non-justiciability of Chapter II of the 1999 Constitution, coupled with the restrictive interpretation of locus standi, has hindered the effective enforcement of environmental rights. These issues have left many victims of environmental degradation without adequate legal remedies, highlighting the need for a robust understanding of the concepts, theories, and research shaping this area of law. Addressing these challenges is essential for ensuring environmental justice and accountability in Nigeria.

To achieve this, it is critical to establish a clear conceptual and theoretical foundation. A conceptual framework enables a structured examination of key issues such as locus standi and environmental rights,¹ while a theoretical framework contextualises these within broader philosophical, legal, and policy debates.² A literature review complements this by synthesising existing scholarship, identifying gaps, and guiding the research methodology.³ Together, these elements provide the analytical tools necessary to interrogate the complexities of environmental rights enforcement in Nigeria.

This chapter provides a detailed examination of the conceptual and theoretical underpinnings of environmental rights. It begins by defining core concepts such as locus standi,

¹ Charles Kivunja, 'Distinguishing between Theory, Theoretical Framework, and Conceptual Framework: A Systematic Review of Lessons from the Field' (2018) 7(6) *International Journal of Higher Education*, 46. Available at: <https://doi.org/10.5430/ijhe.v7n6p44> accessed 19 December 2024.

² N.G. Lederman and J.S. Lederman, 'What is a Theoretical Framework? A Practical Answer' (2015) 26(1) *Journal of Science Teacher Education*, 593–597. Available at: <https://doi.org/10.1007/s10972-015-9443-2> accessed 19 December 2024.

³ W.M. Lim, S. Kumar, and F. Ali, Advancing Knowledge through Literature Reviews: 'What', 'Why', and 'How to Contribute' (2022) 42 (7-8) *The Service Industries Journal*, 481–513. <https://doi.org/10.1080/02642069.2022.2047941> accessed 19 December 2024.

environmental rights, and environmental rights litigation. The theoretical framework explores perspectives including environmentalism, legal positivism, and critical realism to ground the analysis in diverse schools of thought. The literature review synthesises prior research while identifying gaps in the existing body of knowledge. By offering a comprehensive foundation, this chapter sets the stage for the subsequent analysis of Nigeria's legal framework and the impact of locus standi on environmental rights litigation.

2.2. CONCEPTUAL FRAMEWORK

2.2.1. LOCUS STANDI

Locus standi, or standing to sue, refers to the legal capacity of an individual or group to initiate a lawsuit or assert a claim before a court.⁴ Lexically, it stems from Latin, meaning "place of standing."⁵ Contextually, in environmental rights litigation, locus standi determines who can challenge actions or omissions causing environmental harm.⁶ This concept is pivotal in Nigeria, as courts often reject claims on the grounds of insufficient standing, thereby excluding communities and individuals from seeking redress for environmental violations. Consequently, locus standi remains a procedural gatekeeper in environmental justice.

Historically, locus standi evolved as a mechanism to prevent frivolous lawsuits by requiring a tangible connection between the claimant and the issue in dispute.⁷ In Nigeria, colonial legal systems entrenched restrictive doctrines of standing, which continued post-independence. During the 1970s and 1980s, progressive developments globally, including public interest litigation in India, challenged narrow interpretations of locus standi. However, in Nigeria, this progression has been slow, with notable cases like *Gbemre v SPDC* highlighting the

⁴ B.A. Garner, *Black's Law Dictionary* (11th Edn, Thomson Reuters 2019) 980.

⁵ Ibid.

⁶ T.N. Alatise, 'The Future of Standing to Sue in Environment and Climate Change Litigation in Nigeria' (2022) 13(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 28 – 39.

⁷ *R v. Inland Revenue Commissioners, Ex. P National Federation of Self Employed and Small Business Ltd.* [1982] AC 617.

judiciary's reluctance to fully embrace a liberal approach.⁸ Despite incremental reforms, restrictive interpretations remain entrenched in Nigerian jurisprudence.

Locus standi manifests in several forms, such as direct, public interest, and representative standing. Direct standing requires a personal legal interest, often disadvantaging marginalized groups affected by environmental harm. Public interest standing, by contrast, allows broader access, enabling civil society and activists to litigate issues of societal importance. Representative standing facilitates litigation on behalf of affected but unrepresented parties. While restrictive standing ensures judicial efficiency, it limits access to justice, particularly in environmental disputes. Expanding its scope in Nigeria could enhance accountability, facilitate environmental protection, and align the legal framework with international human rights norms.

2.2.2. ENVIRONMENTAL RIGHTS

Environmental rights refer to the entitlements of individuals and communities to a clean, safe, and sustainable environment, ensuring their well-being and health.⁹ Lexically, these rights integrate human rights principles with environmental sustainability. Contextually, in Nigeria, environmental rights are implicit in various legislative instruments and international agreements, such as the African Charter on Human and Peoples' Rights.¹⁰ These rights underscore the interdependence of environmental protection and human dignity, emphasising the need for enforceable safeguards against environmental degradation and pollution that adversely affect life and livelihoods.

⁸ (2005) Suit No. FHC/B/CS/53/05.

⁹ L.A. Atsegbua, V. Akpotare, and F. Dimowo, *Environmental Law in Nigeria: Theory and Practice* (Ababa Press Ltd. 2004).

¹⁰ African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter).

The concept of environmental rights gained prominence in the 20th century with the global recognition of environmental challenges.¹¹ Early developments include the Stockholm Declaration of 1972,¹² which first acknowledged the right to a healthy environment as a human right. In Nigeria, environmental concerns became pronounced during the oil boom of the 1970s, as extensive oil exploration caused widespread environmental degradation, particularly in the Niger Delta. The enactment of the Environmental Impact Assessment Act, 1992 and the Climate Change Act, 2021 reflects a gradual but fragmented recognition of these rights, albeit with limited enforcement mechanisms.¹³

Environmental rights are classified into substantive and procedural rights. Substantive rights include the right to a healthy environment and access to natural resources, while procedural rights encompass access to environmental information, participation in decision-making, and access to justice. Characteristics include their cross-sectoral nature, interdependence with other human rights, and dual domestic and international dimensions. However, enforcing these rights in Nigeria faces challenges such as weak legal frameworks, political interference, and limited public awareness. Their effective realization could foster sustainable development, safeguard vulnerable communities, and strengthen environmental governance.

2.2.3. ENVIRONMENTAL RIGHTS LITIGATION

Environmental rights litigation refers to the legal process of enforcing environmental rights and holding violators accountable through judicial or quasi-judicial mechanisms.¹⁴ Lexically,

¹¹ B.E. Umukoro, 'Looking Beyond the Constitution: Legislative Efforts Towards Environmental Rights in Nigeria: A Review of Some Salient Legislations' (2022) 9(2) *Brawijaya Law Journal*, 141–164. Available at: <http://doi.org/10.21776/ub.blj.2022.009.02.03> accessed 19 December 2024.

¹² United Nations Conference on the Human Environment, *Stockholm Declaration on the Human Environment*, 16 June 1972, UN Doc A/CONF.48/14/Rev.1.

¹³ EIA 1972; CCA 2021/.

¹⁴ J.A. Albert and M. Baribefe-Koate, 'The Climate Change Act 2021 and The Future of Climate Litigation in Nigeria' (2022) 2(4) *The Journal of Law and Policy*, 204.

it combines "litigation," meaning the act of taking legal action, and "environmental rights."¹⁵ Contextually, in Nigeria, this litigation seeks redress for environmental harm caused by industrial activities, deforestation, or other pollution-related acts.¹⁶ It plays a critical role in promoting accountability and protecting the rights of marginalized communities disproportionately affected by environmental degradation.

Globally, environmental litigation gained momentum in the 1970s with the rise of public interest litigation in jurisdictions like the United States and India.¹⁷ In Nigeria, environmental litigation emerged in response to widespread pollution in oil-producing regions during the late 20th century.¹⁸ Landmark cases such as *Gbemre v SPDC* reflect efforts to invoke legal mechanisms to compel corporate accountability.¹⁹ However, procedural barriers like locus standi and the non-justiciability of Chapter II of the Constitution have constrained its evolution. Recent judicial developments suggest a growing recognition of its significance, albeit inconsistently applied.

Environmental rights litigation can be categorised into tort-based claims, constitutional challenges, and public interest litigation. Tort-based claims address specific harm, while constitutional challenges aim to enforce environmental provisions under national or international law. Public interest litigation broadens the scope, allowing civil society to advocate for environmental justice. The benefits of such litigation include fostering accountability, promoting public awareness, and advancing legal reforms. However, it faces limitations, including high litigation costs, evidentiary challenges, and judicial conservatism.

¹⁵ Ibid, 204–206.

¹⁶ Ibid.

¹⁷ E. Onyeabor, H. Agu and N. Nwanta, 'Litigating Loss and Damage as a Panacea for Abatement of Climate Change' (2016) 7(2) *Journal of Economics and Sustainable Development*, 144, 146–147.

¹⁸ Ibid, 145.

¹⁹ (2005) Suit No. FHC/B/CS/53/05.

Strengthening this litigation in Nigeria requires addressing procedural hurdles, enhancing access to justice, and fostering judicial activism.

2.3. THEORETICAL FRAMEWORK

2.3.1. ENVIRONMENTALISM

Environmentalism emerged in the late 19th and early 20th centuries as a reaction to industrialization and its detrimental effects on ecosystems. It advocates for the preservation, restoration, and sustainable management of the natural environment.²⁰ The movement gained momentum in the 1970s following global awareness spurred by events like the publication of *Silent Spring* by Rachel Carson and the establishment of the United Nations Conference on the Human Environment in Stockholm.²¹ Its core propositions include the intrinsic value of nature, the interdependence of human and ecological systems, and the need for legal frameworks to ensure environmental sustainability.

Environmentalism's strengths lie in its ability to promote awareness, advocate for policy reforms, and inspire global cooperation on pressing environmental issues.²² It underscores the necessity of balancing economic growth with environmental protection. However, critics argue that environmentalism can be idealistic, prioritizing nature over human needs, particularly in developing countries where economic survival is paramount. Additionally, it sometimes lacks specificity, failing to address nuanced challenges like balancing industrial activities with environmental protection. In Nigeria, environmentalism faces criticism for

²⁰ R. Peet, 'The Social Origins of Environmental Determinism' (1985) 75(3) *Annals of the Association of American Geographers*, 309-333. Available at: <https://doi.org/10.1111/j.1467-8306.1985.tb00069.x> accessed 19 December 2024.

²¹ United Nations Conference on the Human Environment, *Stockholm Declaration on the Human Environment*, 16 June 1972, UN Doc A/CONF.48/14/Rev.1.

²² M. Colchester, 'Self-Determination or Environmental Determinism for Indigenous Peoples in Tropical Forest Conservation' (2000) 14(5) *Conservation Biology*, 1365-1367. Available at: <https://doi.org/10.1046/j.1523-1739.2000.00129.x> accessed 19 December 2024.

being elitist and disconnected from the realities of affected communities, such as those in the Niger Delta.

Environmentalism is directly relevant to this study as it provides a philosophical foundation for the enforcement of environmental rights. Its emphasis on sustainability aligns with the need to address Nigeria's environmental challenges, such as pollution and resource depletion. The study benefits from environmentalism's principles, which advocate for stronger legal frameworks and community engagement in environmental governance. By framing environmental rights as essential to both human well-being and ecological preservation, environmentalism highlights the importance of expanding access to justice and enforcing accountability through robust legal and institutional reforms.

2.3.2. LEGAL POSITIVISM

Legal positivism, a dominant theory in jurisprudence, asserts that law derives its authority from established rules rather than morality or natural justice. Its origins can be traced to 19th-century scholars like Jeremy Bentham and John Austin, who emphasized the separation of law and ethics. Austin's "command theory" defined law as the command of a sovereign backed by sanctions, while later scholars, such as H.L.A. Hart, refined the theory by introducing the distinction between primary and secondary rules. Legal positivism prioritizes the written law, offering clarity, predictability, and structure in legal systems.

Legal positivism's strengths include its ability to ensure legal certainty and uniformity, which are essential for an orderly society. It separates law from subjective moral considerations, providing an objective framework for governance. However, critics argue that this separation often leads to the disregard of justice and fairness, particularly in cases where laws are unjust or fail to address societal needs. In environmental rights enforcement, legal positivism's

rigidity can hinder the evolution of laws to meet emerging challenges, as seen in Nigeria's reluctance to interpret constitutional provisions broadly to protect environmental rights.

Legal positivism is relevant to this study because it underscores the importance of legislative and judicial adherence to codified laws, such as the Constitution and environmental statutes. The theory helps contextualize the challenges posed by the non-justiciability of Chapter II of the Nigerian Constitution, demonstrating how strict interpretations hinder environmental rights enforcement. By critiquing this rigidity, the study advocates for a more dynamic legal framework that balances positivist principles with justice. Legal positivism also informs the analysis of procedural barriers, such as locus standi, by highlighting the need for reforms within established legal structures.

2.3.3. CRITICAL REALISM

Critical realism emerged as a philosophical approach in the mid-20th century, pioneered by Roy Bhaskar.²³ It integrates ontology and epistemology to analyze the structures underlying observable phenomena. Critical realism posits that reality consists of three layers: the empirical (what we experience), the actual (events that occur), and the real (underlying mechanisms causing those events). In legal studies, critical realism critiques the assumptions of traditional legal theories, focusing on the socio-political, economic, and institutional factors influencing the creation and application of laws. It emphasizes understanding legal frameworks in their broader context.

Critical realism's strengths lie in its ability to analyze laws and legal systems holistically, accounting for structural inequalities and power dynamics. It bridges the gap between theoretical analysis and practical application, enabling meaningful critiques of existing

²³ A. Lawani, 'Critical realism: what you should know and how to apply it' (2021) 21 (3) *Qualitative Research Journal*, 320-333. <https://doi.org/10.1108/QRJ-08-2020-0101> accessed 19 December 2024.

frameworks.²⁴ However, its complexity and abstract nature are often criticized, as it requires extensive interdisciplinary knowledge and may lack immediate applicability.²⁵ In Nigeria's context, critical realism's focus on structural barriers, such as weak institutions and judicial conservatism, could be seen as overly critical without offering actionable solutions to specific legal challenges.

Critical realism provides a robust analytical lens for understanding the socio-political and institutional barriers to environmental rights enforcement in Nigeria. It highlights the interplay between constitutional non-justiciability, judicial attitudes, and the broader economic and political environment. By focusing on these underlying structures, critical realism enriches the study's examination of procedural barriers, such as locus standi, and the limitations of Nigeria's legal framework. This perspective supports the study's call for systemic reforms, emphasizing the need to address not only legal provisions but also the socio-economic factors influencing their enforcement.

2.4. LITERATURE REVIEW

2.4.1. SYNTHESIS OF PRIOR RESEARCH

Umukoro provides a comprehensive review of Nigeria's environmental laws, highlighting the fragmented nature of the regulatory framework.²⁶ The author argues that while the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act and the Environmental Impact Assessment (EIA) Act are essential, their enforcement mechanisms are inadequate. Similarly, Oludayo critiques the lack of coordination among various

²⁴ G. Steinmetz, 'Critical Realism and Historical Sociology: A Review Article' (1998) 40(1) *Comparative Studies in Society and History*, 170–186. <<https://doi.org/10.1017/S0010417598980069>> accessed 19 December 2024.

²⁵ G.R. Steele, 'Critical thoughts about critical realism' (2005) 17(1-2) *Critical Review*, 133–154. <https://doi.org/10.1080/08913810508443632> accessed 19 December 2024.

²⁶ B.E. Umukoro, 'Looking Beyond the Constitution: Legislative Efforts Toward Environmental Rights in Nigeria: A Review of Some Salient Legislations' (2022) 9(2) *Brawijaya Law Journal*, 141–164. Available at: <https://doi.org/10.21776/ub.blj.2022.009.02.03> accessed 19 December 2024

environmental statutes and agencies, emphasizing that this legal disarray hampers effective environmental rights protection.²⁷ Both authors underscore the urgency of reforming these frameworks to align with international best practices.

Olaiya explores the limitations posed by the non-justiciability of Chapter II of the 1999 Constitution.²⁸ He argues that Section 6(6)(c) creates a significant barrier to enforcing socio-economic rights, including environmental rights. Opadere supports this assertion, noting that the non-justiciable nature of these rights reflects the Nigerian government's lack of commitment to implementing constitutional objectives.²⁹ Both studies advocate for constitutional amendments to make Chapter II enforceable. Albert and Baribefe-Koate examines the procedural barrier of locus standi in environmental cases. The author critiques the restrictive interpretation of standing, arguing that it limits access to justice for victims of environmental harm.³⁰ Onyeabor, Agu, and Nwanta analysed the *Gbemre v SPDC* case,³¹ demonstrating how the issue of locus standi prevents communities from holding corporations accountable.³² They propose adopting a more liberal approach to standing, as seen in jurisdictions like India.

Okonkwo (2019) evaluates the influence of international legal frameworks, particularly the African Charter on Human and Peoples' Rights, on Nigeria's environmental law. The author argues that while the African Charter provides a basis for enforcing environmental rights, its application in Nigeria remains inconsistent. Similarly, Mantu highlights the potential of

²⁷ Amokaye Oludayo, 'The Legal and Institutional Framework for the Regulation of Climate Change in Nigeria', (2004) 24(1) *Journal of Private and Property Law*, 46-47.

²⁸ T.A. Olaiya, 'Interrogating the Non-Justiciability of Constitutional Directive Principles and Public Policy Failure in Nigeria' (2015) 8(3) *Journal of Politics & Law*, 23-31.

²⁹ O.S. Opadere, 'Non-Justiciability of Fundamental Objectives: Paradox and Bane of Governance in Nigeria' (2018) 74(1) *Journal of Policy and Globalization*, 37.

³⁰ J.A. Albert and M. Baribefe-Koate, 'The Climate Change Act 2021 and The Future of Climate Litigation in Nigeria' (2022) 2(4) *The Journal of Law and Policy*, 204.

³¹ (2005) Suit No. FHC/B/CS/53/05.

³² E. Onyeabor, H. Agu and N. Nwanta, 'Litigating Loss and Damage as a Panacea for Abatement of Climate Change' (2016) 7(2) *Journal of Economics and Sustainable Development*, 144, 146-147

international instruments to fill gaps in domestic environmental laws, emphasizing the need for better integration of these frameworks into national legislation.³³ Alatise examines the judiciary's role in advancing environmental rights in Nigeria. The study finds that courts have occasionally adopted progressive interpretations of constitutional and statutory provisions to enforce environmental rights.³⁴ However, Alatise argues that judicial activism is inconsistent and often hindered by procedural barriers like locus standi.³⁵ Babalola (2020) supports this view, emphasising the need for judicial reform to promote access to justice in environmental matters.³⁶

Boyle conducts a comparative analysis of environmental rights enforcement in Nigeria and South Africa.³⁷ The study finds that South Africa's explicit constitutional provision for environmental rights ensures stronger enforcement mechanisms. Boyle argues that Nigeria can draw lessons from South Africa's legal framework, particularly in addressing constitutional non-justiciability.

2.4.2. GAPS AND LIMITATIONS

While many studies discuss the limitations of Section 6(6)(c), few provide actionable solutions to reforming this constitutional provision. Existing research largely calls for amendments but lacks detailed proposals for achieving such reforms within Nigeria's socio-political context. Most studies reviewed rely on theoretical analysis without providing

³³ I. Mantu, 'NESREA and the Challenge of Enforcing the Provisions of Environmental Impact Assessment Act in Nigeria' (2019) *SSRN Electronic Journal*. Available at: <http://dx.doi.org/10.2139/ssrn.3410104> accessed 19 December 2024.

³⁴ T.N. Alatise, 'The Future of Standing to Sue in Environment and Climate Change Litigation in Nigeria' (2022) 13(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 28–39.

³⁵ Ibid.

³⁶ A. Babalola, 'The Right to a Clean Environment in Nigeria: A Fundamental Right?' (2020) 26(1) *Hastings Environment Law Journal*, 3–14.

³⁷ A. Boyle, 'Human Rights and the Environment: Where Next?' (2012) 23(3) *The European Journal of International Law*, 613–642. Available at: <https://doi.org/10.1093/ejil/chs054> accessed 19 December 2024.

empirical evidence to support their claims. For instance, while authors highlight the inefficiency of environmental regulatory agencies, few studies provide statistical data or case studies to substantiate these assertions. The role of civil society organizations (CSOs) in environmental rights enforcement remains underexplored. Although some authors acknowledge the contributions of CSOs, there is limited research on how these organizations can effectively complement governmental efforts in addressing environmental challenges.

Additionally, while the potential of international instruments like the African Charter is frequently noted, there is little discussion on practical strategies for integrating these frameworks into Nigeria's domestic legal system. Although several studies emphasize the need for judicial reform, they do not explore how training programs or legislative interventions could address issues like restrictive interpretations of locus standi and constitutional non-justiciability. Comparative studies often focus on a few jurisdictions, such as South Africa and India, without considering other regions with similar socio-economic challenges, such as Kenya or Ghana. Expanding the scope of comparative analysis could provide more diverse insights.

This literature review reveals a consensus among scholars on the challenges hindering environmental rights enforcement in Nigeria, including constitutional non-justiciability, procedural barriers, and weak regulatory frameworks. However, significant gaps remain, particularly in the areas of empirical research, civil society engagement, and judicial reform. Addressing these gaps is critical for advancing the discourse on environmental rights enforcement and ensuring that the findings of this study contribute meaningfully to both academic and practical debates.

2.5. CONCLUSION

The chapter has provided a conceptual, theoretical, and empirical foundation for understanding the enforcement of environmental rights in Nigeria. By defining key concepts such as locus standi and environmental rights, the research established the fundamental elements shaping environmental litigation. The theoretical frameworks of environmentalism, legal positivism, and critical realism further highlighted the philosophical underpinnings and practical relevance of environmental rights enforcement. These frameworks collectively underscore the multidimensional nature of environmental issues, integrating legal, social, and ecological perspectives.

The literature review synthesized existing research, identifying critical challenges such as constitutional non-justiciability, restrictive interpretations of locus standi, and weak regulatory enforcement. Although progress has been made through judicial activism and international frameworks, gaps remain in addressing structural and procedural barriers. Comparative insights from other jurisdictions underscore the importance of adopting innovative legal strategies and integrating international norms into Nigeria's legal framework. These lessons highlight the potential for reform while revealing areas requiring more focused scholarly and policy attention.

This chapter has laid the groundwork for subsequent analysis by framing the issues central to environmental rights enforcement. The interplay between constitutional constraints, procedural barriers, and international norms will be further examined in the following chapters. Through this approach, the study aims to provide actionable recommendations for reforming Nigeria's environmental regulatory landscape, addressing gaps identified in the literature, and advancing the enforceability of environmental rights in both theory and practice.

CHAPTER THREE

LEGAL FRAMEWORKS FOR THE ENFORCEMENT OF ENVIRONMENTAL RIGHTS IN NIGERIA

3.1. INTRODUCTION

Recapitulating the contents of the preceding chapter, the enforcement of environmental rights in Nigeria faces significant challenges, particularly due to the constitutional limitation imposed by Section 6(6)(b) of the Constitution of the Federal Republic of Nigeria, 1999 (as amended).¹ This provision excludes certain fundamental objectives and directive principles of state policy, including environmental protection, from being justiciable, thereby rendering environmental rights unenforceable in courts. Consequently, individuals and communities affected by environmental degradation often lack legal remedies, despite the apparent harm caused to their health, livelihoods, and ecosystems.

Another significant obstacle to the enforcement of environmental rights in Nigeria is the doctrine of *locus standi*, which restricts the capacity of individuals or groups to sue unless they can demonstrate a direct personal interest in the matter.² This limitation poses a formidable challenge in cases of public interest litigation, where the environmental harm affects a broader community or the public at large.³ Many deserving cases are dismissed on procedural grounds, leaving critical environmental issues unaddressed and creating an atmosphere of impunity for environmental violators.

This chapter will first examine the international legal framework governing environmental rights and their relevance to Nigeria. These include landmark instruments such as the

¹ CAP. C23, LFN 2004, s. 6(6)(b).

² T.N. Alatise, 'The Future of Standing to Sue in Environment and Climate Change Litigation in Nigeria' (2022) 13(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 28–39.

³ See the case of *Gbemre v SDPC* (2005) Unreported Suit No: FHC/B/CS/53/05, where the locus standi requirement curtailed access to justice for environmental harm.

Stockholm Conference of 1972,⁴ the Vienna Convention for the Protection of the Ozone Layer, 1985,⁵ the Montreal Protocol, 1987,⁶ the Bamako Convention, 1991,⁷ the United Nations Framework Convention on Climate Change (UNFCCC), 1992,⁸ the Kyoto Protocol, 1997,⁹ the Rio Conference, 2012,¹⁰ and the Paris Agreement, 2015.¹¹ This analysis will provide insights into how international obligations shape environmental governance in Nigeria.

Subsequently, the chapter will assess the regional legal framework for the enforcement of environmental rights in Nigeria. The African Charter on Human and Peoples' Rights, 1981,¹² which is domesticated in Nigeria and provides for the right to a general satisfactory environment favorable to development, will be critically examined. The discussion will focus on its strengths and limitations in addressing regional environmental challenges and its interplay with Nigerian laws.

Finally, this chapter will undertake a critical review of municipal laws that regulate the enforcement of environmental rights in Nigeria. These include the Constitution of the Federal Republic of Nigeria, 1999,¹³ the Oil Pipelines Act, 1956,¹⁴ The Environmental Impact

⁴ UNGA Res A/RES/2994 (15 December 1972).

⁵ Vienna Convention for the Protection of the Ozone Layer (adopted 22 March 1985, entered into force 22 September 1988) 1513 UNTS 293 (Vienna Convention).

⁶ Montreal Protocol on Substances that Deplete the Ozone Layer (adopted 16 September 1987, entered into force 1 January 1989) 1522 UNTS 2 (Montreal Protocol).

⁷ Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (adopted 30 January 1991, entered into force 22 April 1998) 2101 UNTS 177 (Bamako Convention).

⁸ United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107 (UNFCCC).

⁹ Kyoto Protocol to the United Nations Framework Convention on Climate Change (adopted 10 December 1997, entered into force 16 February 2005) 2303 UNTS 162 (Kyoto Protocol).

¹⁰ United Nations Conference on Sustainable Development (Rio Conference), 2012.

¹¹ Paris Agreement to the United Nations Framework Convention on Climate Change (adopted 12 December 2015, entered into force 4 November 2016) 3156 UNTS 54113.

¹² African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter) The Charter is domesticated in Nigeria as the African Charter on Human and People's Rights (Ratification and Enforcement) Act CAP. A9, LFN 2004.

¹³ CAP. C23, LFN 2004.

¹⁴ CAP. 07, LFN 2004.

Assessment Act (1992),¹⁵ the National Oil Spill Detection and Response Agency (NOSDRA) Act, 2006,¹⁶ the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act 2007,¹⁷ the Harmful Waste (Special Criminal Provision Etc.) Act, 1988,¹⁸ the Climate Change Act, 2021,¹⁹ and the Petroleum Industry Act, 2021.²⁰ This section will evaluate the adequacy of these laws, their implementation, and their role in bridging the gap between policy and practice in environmental protection.

3.2. INTERNATIONAL LEGAL FRAMEWORK

3.2.1. STOCKHOLM CONFERENCE, 1972

The Stockholm Conference on the Human Environment, held from June 5–16, 1972, in Stockholm, Sweden, was the first global summit focused on addressing worldwide environmental issues.²¹ Its primary aim was to create a unified perspective and establish principles to guide global actions for environmental protection. Principle 1 of the Stockholm Declaration asserts that individuals have a right to a standard of living conducive to health and well-being within a favorable environment.²² This conference laid the foundation for international environmental governance, emphasising the interdependence of human rights and environmental health. Nigeria participated in the conference, endorsing its principles, but its implementation has been inconsistent due to weak enforcement mechanisms.

The Stockholm Declaration includes 26 principles, which emphasize sustainable resource management, pollution prevention, and the integration of environmental concerns into economic planning. The Declaration, while non-binding, has profoundly influenced

¹⁵ CAP. E12, LFN 2004.

¹⁶ NOSDRA 2006.

¹⁷ NESREA 2007.

¹⁸ CAP. H1, LFN 2004.

¹⁹ CCA 2021.

²⁰ PIA 2021.

²¹ UNGA Res A/RES/2994 (15 December 1972).

²² Ibid, Pr. 1.

environmental legislation worldwide. In Nigeria, its principles inspired frameworks like the Environmental Impact Assessment (EIA) Act of 1992.²³ However, the lack of binding obligations in the Declaration limits its enforceability, making its success contingent on national governments' commitment. Nigeria's environmental challenges, including oil pollution, highlight the need for more robust adherence to the Stockholm principles to ensure environmental rights.

3.2.2. VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER, 1985

The Vienna Convention was adopted in 1985 to address the alarming depletion of the ozone layer caused by human activities, particularly the use of ozone-depleting substances (ODS).²⁴ The Convention aimed to encourage international cooperation in scientific research and data sharing to protect the ozone layer. Although the Convention itself does not impose specific obligations to reduce ODS, it provides a framework for further agreements, including the Montreal Protocol. Nigeria ratified the Vienna Convention in 1988, demonstrating its commitment to the global agenda of safeguarding the ozone layer.

The Convention emphasises research, monitoring, and exchange of scientific information on ODS and their impact. Article 2 obligates parties to take necessary measures to protect the ozone layer, with specific targets detailed in subsequent agreements like the Montreal Protocol.²⁵ In Nigeria, implementing this framework has been challenging due to weak regulatory structures and lack of technical capacity. However, agencies like the National Environmental Standards and Regulations Enforcement Agency (NESREA) have adopted measures to control ODS. While the Convention set the stage for ozone protection, its lack of

²³ CAP. E12, LFN 2004.

²⁴ Vienna Convention for the Protection of the Ozone Layer (adopted 22 March 1985, entered into force 22 September 1988) 1513 UNTS 293 (Vienna Convention).

²⁵ Ibid, art. 2.

enforceable commitments limits its efficacy, necessitating stronger national laws for tangible outcomes.

3.2.3. MONTREAL PROTOCOL, 1987

The Montreal Protocol was adopted on September 16, 1987, as a complementary treaty to the Vienna Convention to address ozone depletion by regulating ozone-depleting substances (ODS).²⁶ It aimed to phase out the production and consumption of substances like chlorofluorocarbons (CFCs) and halons. The Protocol came into force on January 1, 1989, and has been widely lauded as one of the most successful environmental treaties. Nigeria became a party to the Protocol in 1988 and has ratified its subsequent amendments, showcasing its dedication to global environmental protection.

The Protocol includes a dynamic adjustment mechanism allowing parties to accelerate ODS reduction in response to new scientific discoveries. Article 2 outlines binding commitments for phasing out ODS, while Article 5 provides financial and technical support to developing countries, including Nigeria.²⁷ Despite its success, Nigeria faces challenges in implementing the Protocol due to inadequate infrastructure and enforcement. The annual meetings of the Protocol's parties ensure continuous updates to address emerging issues. While Nigeria has made strides in compliance, particularly in phasing out CFCs, more robust implementation mechanisms are necessary to sustain these gains and address emerging threats to the ozone layer.

²⁶ Montreal Protocol on Substances that Deplete the Ozone Layer (adopted 16 September 1987, entered into force 1 January 1989) 1522 UNTS 2 (Montreal Protocol).

²⁷ Ibid, arts. 2 & 5.

3.2.4. BAMAKO CONVENTION, 1991

The Bamako Convention was adopted in 1991 to address the loopholes in the Basel Convention, which allowed hazardous waste to be transported to developing countries under certain conditions.²⁸ The Bamako Convention prohibits the importation of hazardous and radioactive waste into Africa and seeks to regulate the transboundary movement and disposal of such waste within the continent. Nigeria ratified the Convention in 1991, aligning with its commitment to protecting the environment and public health.

Key provisions include Article 4, which bans hazardous waste imports and mandates environmentally sound waste management practices.²⁹ Article 9 emphasizes the responsibilities of waste generators to prevent cross-border movements of hazardous materials.³⁰ Despite its robust framework, Nigeria faces challenges in implementing the Convention due to weak enforcement and limited resources. For instance, incidents of illegal dumping, particularly in the Niger Delta, underscore the need for stricter compliance measures. While the Bamako Convention represents a significant step toward preventing Africa from becoming a dumping ground, Nigeria must strengthen institutional capacities and enhance regional cooperation to ensure effective enforcement.

3.2.5. THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE (UNFCCC), 1992

The UNFCCC was adopted during the 1992 Earth Summit in Rio de Janeiro to address the global challenge of climate change by promoting international cooperation.³¹ Its primary aim

²⁸ Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (adopted 30 January 1991, entered into force 22 April 1998) 2101 UNTS 177 (Bamako Convention); Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal (adopted 22 March 1989, entered into force 5 May 1992) 1673 UNTS 57 (Basel Convention).

²⁹ Ibid, art. 4.

³⁰ Ibid, art. 9.

³¹ United Nations Framework Convention on Climate Change (adopted 9 May 1992, entered into force 21 March 1994) 1771 UNTS 107 (UNFCCC).

is to stabilize greenhouse gas concentrations at levels that prevent dangerous human-induced interference with the climate system. The Convention emphasizes sustainable development, ecological adaptation, and food security. Adopted in May 1992, it entered into force on March 21, 1994, after the 50th ratification. Nigeria ratified the UNFCCC in August 1994, with the treaty becoming effective on November 27, 1994, demonstrating the country's commitment to addressing climate-related challenges like gas flaring.

The UNFCCC's Article 3 outlines principles of "common but differentiated responsibilities," requiring developed countries (Annex I) to take the lead in mitigating climate change while assisting developing nations.³² Article 4 obligates parties to develop and regularly update national greenhouse gas inventories, integrate climate considerations into policies, and adopt mitigation measures.³³ Nigeria's compliance has been hampered by inadequate enforcement and transparency, particularly in tracking gas flaring. While the Convention offers a solid framework for addressing climate change, its non-binding nature limits its enforceability, necessitating stronger domestic laws and global accountability mechanisms for effective implementation.

3.2.6. THE KYOTO PROTOCOL TO THE UNFCCC, 1997

Adopted on December 11, 1997, in Kyoto, Japan, the Kyoto Protocol strengthened the commitments of the UNFCCC, particularly targeting greenhouse gas (GHG) emission reductions.³⁴ It required industrialized nations (Annex I countries) to collectively reduce GHG emissions by 5.2% below 1990 levels between 2008 and 2012.³⁵ Developing countries, including Nigeria, were exempt from binding targets but encouraged to participate through

³² Ibid, art 3

³³ Ibid art. 4.

³⁴ Kyoto Protocol to the United Nations Framework Convention on Climate Change (adopted 10 December 1997, entered into force 16 February 2005) 2303 UNTS 162 (Kyoto Protocol).

³⁵ Ibid, art. 3(1).

mechanisms like the Clean Development Mechanism (CDM). Nigeria ratified the Protocol in October 2004, paving the way for initiatives like phasing out gas flaring through technology transfers and international cooperation.

The Protocol introduces mechanisms for achieving emission reduction targets, such as joint implementation (JI), CDM, and emissions trading (ET). Article 3 places primary responsibility on Annex I nations for reducing emissions.³⁶ While Nigeria is a non-Annex I party, it benefits from CDM projects, allowing developed nations to invest in emissions-reduction initiatives in developing countries. However, domestic implementation has been limited by infrastructural deficits and weak enforcement. Although the Protocol sets binding targets for developed countries, its effectiveness depends on robust domestic policies and global collaboration. For Nigeria, leveraging mechanisms like CDM remains critical for achieving sustainable development and reducing emissions.

3.2.7. RIO CONFERENCE, 2012

The Rio+20 Conference, held in June 2012 in Rio de Janeiro, marked the 20th anniversary of the 1992 Earth Summit.³⁷ The conference aimed to renew global commitments to sustainable development and transition toward a green economy. Its notable outcomes included the establishment of Sustainable Development Goals (SDGs) to replace the Millennium Development Goals and strategies for financing sustainable initiatives. While Nigeria endorsed the conference's resolutions, its impact on domestic policies remains limited due to financial constraints and weak institutional frameworks.

The conference produced two major documents: "The Future We Want," emphasizing green economy policies and institutional frameworks for sustainable development, and a roadmap

³⁶ Ibid, art. 3.

³⁷ United Nations Conference on Sustainable Development (Rio Conference), 2012.

for implementing the SDGs.³⁸ These documents called for global cooperation to address environmental challenges and promote equitable growth. Despite Nigeria's participation, weak implementation has hindered its ability to fully benefit from these frameworks. Critically, the conference highlighted the gap between commitments and actionable outcomes in developing countries like Nigeria, underscoring the need for enhanced national strategies and international support to achieve sustainable development objectives.

3.2.8. PARIS AGREEMENT, 2015

The Paris Agreement, adopted on December 12, 2015, and effective from November 4, 2016, is a landmark treaty under the UNFCCC framework.³⁹ It seeks to limit global temperature increases to below 2°C, preferably 1.5°C, compared to pre-industrial levels.⁴⁰ This agreement introduced binding commitments for all parties to submit Nationally Determined Contributions (NDCs) every five years. Nigeria ratified the Agreement in 2017 and submitted its first NDC in 2015, detailing strategies for reducing carbon emissions while pursuing sustainable economic growth.

The Paris Agreement emphasizes transparency and accountability, requiring parties to submit GHG inventories and climate adaptation strategies under Articles 4 and 13.⁴¹ Nigeria's NDC targets emissions reductions through renewable energy adoption and gas flaring reduction. However, inadequate funding and weak institutional capacity hinder progress. The agreement's ambitious goals necessitate stronger international support and domestic reforms for effective implementation. For Nigeria, achieving its commitments under the Paris

³⁸ United Nations General Assembly, 'The Future We Want' (11 September 2012) UN Doc A/RES/66/288; United Nations General Assembly, 'Transforming Our World: The 2030 Agenda for Sustainable Development' (21 October 2015) UN Doc A/RES/70/1.

³⁹ Paris Agreement to the United Nations Framework Convention on Climate Change (adopted 12 December 2015, entered into force 4 November 2016) 3156 UNTS 54113.

⁴⁰ Ibid, art. 2(1)(a).

⁴¹ Ibid, arts. 4 & 13.

Agreement is essential for addressing climate vulnerabilities and advancing sustainable development, but success depends on bridging gaps in governance, financing, and technical capacity.

3.3. REGIONAL LEGAL FRAMEWORK

3.3.1. AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS (ACHPR), 1981

The African Charter on Human and Peoples' Rights (ACHPR), adopted in 1981 in Nairobi, Kenya, is a seminal document establishing a regional framework for the promotion and protection of human rights in Africa.⁴² Entering into force on October 21, 1986, the Charter is unique in its recognition of collective and individual rights, as well as the interdependence of civil, political, and socio-economic rights. Article 24 explicitly guarantees the right to a healthy environment, making it a key legal instrument for environmental rights in Africa.⁴³ Nigeria ratified the ACHPR on June 22, 1983, incorporating its provisions into domestic law through the African Charter (Ratification and Enforcement) Act.⁴⁴

Article 24 of the ACHPR affirms the right of all peoples to a “general satisfactory environment favourable to their development.”⁴⁵ This provision links environmental rights to socio-economic development, emphasizing the duty of states to ensure a healthy and sustainable environment. Article 1 obligates states to adopt legislative or other measures to implement the rights enshrined in the Charter.⁴⁶ Critically, while the ACHPR is binding on state parties, enforcement mechanisms remain weak, often relying on state compliance and the advocacy role of the African Commission on Human and Peoples' Rights. In Nigeria, the ACHPR underpins environmental rights litigation and policy formulation.

⁴² African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter).

⁴³ Ibid, art. 24.

⁴⁴ CAP. A9, LFN 2004.

⁴⁵ ACHPR 1981, art. 24.

⁴⁶ Ibid, art. 1

In *Social and Economic Rights Action Centre (SERAC) and Center for Economic and Social Rights (CESR) v Nigeria*,⁴⁷ the African Commission addressed environmental degradation in Ogoniland caused by oil exploration. The Commission found Nigeria in violation of Articles 21 (right to free disposal of wealth and natural resources) and 24 (right to a satisfactory environment) for failing to protect the environment and livelihoods of the Ogoni people. This case set a precedent for holding states accountable for failing to prevent environmental harm caused by third parties, underscoring the enforceability of environmental rights under the ACHPR.

In *African Commission on Human and Peoples' Rights v. Republic of Kenya*,⁴⁸ the African Court on Human and Peoples' Rights examined environmental and land rights violations against the Ogiek community. The Court ruled that Kenya violated the Ogiek people's rights to property, culture, and a satisfactory environment (Articles 14, 17, and 24). This landmark case reaffirmed the interplay between environmental rights and cultural identity, emphasizing the obligation of states to prevent environmental harm affecting vulnerable communities.

The African Commission plays a pivotal role in safeguarding environmental rights in Nigeria by interpreting the ACHPR and providing a forum for accountability. Through its quasi-judicial function, the Commission has addressed state violations of environmental rights, particularly in cases of corporate-induced harm. Despite its limited enforcement power, the Commission's decisions and recommendations have influenced domestic legal frameworks and bolstered civil society advocacy. To enhance its impact, Nigeria must strengthen compliance mechanisms and integrate Commission decisions into domestic policies, ensuring greater protection of environmental rights.

⁴⁷ Communication No. 155/96 [2001] ACHPR 35 (27 October 2001).

⁴⁸ (Application No. 006/2012) [2022] AfCHPR 18 (23 June 2022).

3.4. MUNICIPAL LEGAL FRAMEWORK

3.4.1. THE CONSTITUTION OF THE FEDERAL REPUBLIC OF NIGERIA, 1999

The 1999 Constitution of the Federal Republic of Nigeria, as amended, is the supreme law of the nation, serving as the foundation for governance and the legal framework.⁴⁹ Section 20, under the Directive Principles of State Policy in Chapter II, mandates the state to protect and improve the environment, safeguarding water, air, land, forests, and wildlife.⁵⁰ This provision reflects Nigeria's recognition of the vital role environmental protection plays in sustainable development. However, being under Chapter II, these principles are non-justiciable, meaning courts cannot enforce them directly, limiting citizens' ability to compel governmental action on environmental matters.⁵¹

Critically, Section 20 establishes a duty on the government to address environmental degradation and climate change. However, Section 6(6)(c) limits its enforceability by precluding judicial intervention for breaches of these directives. This creates a significant gap in environmental governance, as there are no constitutional remedies to ensure compliance. While this provision is progressive in intent, its practical impact is undermined by its non-justiciability, rendering it symbolic rather than actionable. This legal lacuna highlights the need for constitutional amendments or complementary legislation to make environmental rights enforceable and enhance accountability.

3.4.2. ENVIRONMENTAL IMPACT ASSESSMENT ACT, 1992

The Environmental Impact Assessment (EIA) Act, enacted as a military decree in 1992, was designed to ensure that the environmental effects of proposed projects are considered before they commence.⁵² It mandates that public and private sector projects with potential

⁴⁹ CAP. C38, LFN 2004.

⁵⁰ Ibid, s. 20.

⁵¹ Ibid, s. 6(6)(c).

⁵² CAP. E12, LFN 2004.

environmental impacts undergo an EIA.⁵³ This process involves assessing the effects of activities on the environment, consulting with the public, and obtaining approval from regulatory authorities. The Act applies to significant projects such as oil refineries, pipelines, and storage facilities, aiming to prevent environmental harm through proactive assessment and regulation.⁵⁴

The Act's key provisions include the requirement for EIAs to evaluate significant environmental impacts and the obligation for public consultation.⁵⁵ While the Act promotes transparency and sustainability, its enforcement has been inconsistent, undermining its objectives. Moreover, exemptions granted to certain projects weaken its comprehensive application. The Act's effectiveness is further hampered by inadequate capacity within the Federal Environmental Protection Agency to monitor compliance. Strengthening enforcement mechanisms and addressing regulatory gaps are critical to ensuring the EIA process achieves its intended purpose of safeguarding Nigeria's environment.

3.4.3. NATIONAL ENVIRONMENTAL STANDARDS AND REGULATIONS

ENFORCEMENT AGENCY (NESREA) ACT, 2007

The NESREA Act of 2007 establishes the National Environmental Standards and Regulations Enforcement Agency, tasked with ensuring environmental protection and compliance with laws.⁵⁶ It repeals the Federal Environmental Protection Agency Act and confers NESREA with corporate status and the authority to develop and enforce environmental regulations. The Act seeks to preserve air quality, prevent pollution, and promote sustainable practices, excluding matters related to oil and gas.⁵⁷ Its provisions include setting environmental

⁵³ Ibid, s. 2(1).

⁵⁴ Ibid, s. 12(1).

⁵⁵ Ibid, ss. 2 & 7.

⁵⁶ NESREA 2007.

⁵⁷ Ibid, ss 7(c), 7(g), & 8(1)(k).

standards, imposing penalties for violations, and ensuring accountability for environmental harm.

Sections 20 and 27 are pivotal, addressing air quality standards and hazardous materials discharge.⁵⁸ Section 20 empowers NESREA to regulate emissions and protect public health, while Section 27 prohibits hazardous discharges into the environment. Violations attract significant penalties, including fines and imprisonment. However, the Act's exclusion of oil and gas activities creates a regulatory gap in a sector critical to Nigeria's economy and environmental health. This limitation underscores the need for comprehensive legal reforms to integrate oil and gas regulation into NESREA's mandate, ensuring holistic environmental protection.

3.4.4. PETROLEUM INDUSTRY ACT, 2021

Proposed in 2007 and enacted on August 14, 2021, the Petroleum Industry Act (PIA) marked a transformative moment in Nigeria's petroleum sector, replacing the outdated Petroleum Act of 1969.⁵⁹ The Act aims to foster a commercially driven oil industry, encourage investment, ensure regulatory clarity, and promote transparency. It introduced significant reforms, such as splitting regulatory oversight among distinct bodies for upstream, midstream, and downstream sectors,⁶⁰ deregulating the downstream sector,⁶¹ and converting the Nigerian National Petroleum Corporation (NNPC) into a limited liability company.⁶² Encompassing 319 sections, the PIA regulates licensing, exploration, transportation, production, and environmental stewardship in the petroleum industry.

⁵⁸ Ibid, ss. 20 & 27.

⁵⁹ CAP. P10, LFN 2004.

⁶⁰ PIA 2021, ss. 4 & 29.

⁶¹ Ibid, s. 205(1).

⁶² Ibid ss. 53(1) & 54(1).

Notable provisions include Section 4, which establishes the Nigerian Upstream Petroleum Regulatory Commission to oversee upstream activities, prioritizing safety, efficiency, and environmental compliance.⁶³ Sections 102 to 106 emphasize environmental management, mandating licensees to submit environmental management plans and contribute to remediation funds.⁶⁴ Additionally, Sections 104 and 105 prohibit gas flaring, except under strictly regulated circumstances, with penalties directed towards environmental restoration.⁶⁵ While the Act introduces progressive reforms, its implementation is hindered by regulatory overlaps and potential governance challenges. Strengthened enforcement mechanisms are critical for realizing the law's environmental and operational objectives.

3.4.5. OIL PIPELINES ACT, 1964

The Oil Pipelines Act, enacted in 1964 and amended over time, regulates the construction and operation of oil pipelines in Nigeria.⁶⁶ Its primary aim is to ensure the safe, efficient, and environmentally responsible management of oil pipeline infrastructure.⁶⁷ The Act requires operators to obtain licenses from the Minister of Petroleum Resources and mandates strict adherence to design, construction, and maintenance standards.⁶⁸ Environmental protection is a core focus, with mandatory environmental impact assessments (EIAs) for new projects and provisions for compensating communities affected by oil spills. The Department of Petroleum Resources (DPR) administers the Act, conducting inspections, issuing permits, and enforcing compliance with its provisions.⁶⁹

⁶³ Ibid, s. 4

⁶⁴ Ibid, ss. 102–106.

⁶⁵ Ibid, ss. 104 & 105.

⁶⁶ CAP. O7, LFN 2004.

⁶⁷ Ibid, s. 4

⁶⁸ Ibid, ss. 5(1), 9(1), & 9(2).

⁶⁹ Ibid, s. 3(1).

The Act mandates operators to maintain detailed records of inspections and incidents, promptly reporting accidents to the authorities and undertaking mitigation measures.⁷⁰ It establishes penalties, including fines and imprisonment, for violations, and permits the revocation of licenses for severe infractions.⁷¹ Despite its comprehensive framework, enforcement has been inconsistent, allowing non-compliance and illegal pipelines to persist. These lapses, coupled with frequent oil spills, underscore the need for robust enforcement and improved regulatory oversight. Strengthening institutional capacity and ensuring accountability are crucial for achieving the Act's goals of environmental protection and safe pipeline operations.

3.4.6. NATIONAL OIL SPILL DETECTION AND RESPONSE AGENCY (NOSDRA)

Established in 2006 under the National Oil Spill Detection and Response Agency Act, NOSDRA is tasked with preventing and mitigating oil spills in Nigeria.⁷² Its objectives include safeguarding the environment, enforcing spill prevention standards, and minimizing impacts on local communities.⁷³ The agency develops guidelines for infrastructure design and operation, conducts inspections, and ensures compliance with regulations.⁷⁴ In the event of an oil spill, NOSDRA coordinates responses, deploying containment and cleanup measures and investigating causes to recommend preventive actions.⁷⁵

The agency's responsibilities extend to enforcing remediation measures, monitoring cleanup activities, and penalizing non-compliance. Despite its critical role, NOSDRA faces challenges in achieving its goals, including insufficient resources and limited enforcement capacity. Persistent oil spills and inadequate responses highlight gaps in industry compliance and

⁷⁰ Ibid, s 11(1) and (2).

⁷¹ Ibid, s. 13.

⁷² NOSDRA Act 2006.

⁷³ Ibid, s. 5.

⁷⁴ Ibid, s. 6.

⁷⁵ Ibid, s. 7.

regulatory oversight. Enhancing NOSDRA's operational capacity and fostering industry accountability are vital to fulfilling its mandate. Strengthened collaboration between stakeholders, coupled with effective penalties for offenders, will help ensure environmental sustainability and protect affected communities from the adverse effects of oil spills.

3.4.7. THE HARMFUL WASTE ACT (SPECIAL CRIMINAL PROVISION), 1988

The Harmful Waste (Special Criminal Provisions) Act of 1988 was enacted in response to illegal toxic waste dumping incidents in Nigeria, notably the 1987 Koko toxic waste scandal.⁷⁶ Its primary objective is to prohibit the importation, storage, transportation, sale, and disposal of harmful waste, safeguarding human health and the environment.⁷⁷ The Act criminalizes all activities related to harmful waste and establishes stringent penalties for violators, including life imprisonment.⁷⁸ It empowers law enforcement to arrest and prosecute offenders while also allowing the confiscation of vehicles, vessels, or equipment used in illegal waste activities.⁷⁹

Key provisions of the Act include Section 1, which prohibits harmful waste activities, and Section 6, which allows for forfeiture of assets used in related offences.⁸⁰ Violations under the Act are considered strict liability offences, meaning intent does not need to be proven. While the Act provides a strong deterrent against harmful waste practices, enforcement remains inconsistent, with limited prosecution of offenders. Strengthening monitoring mechanisms, enhancing collaboration among agencies, and addressing corruption are critical to its effectiveness. The Act's comprehensive framework underscores Nigeria's commitment to

⁷⁶ CAP. H1, LFN 2004.

⁷⁷ Ibid, s. 1.

⁷⁸ Ibid s. 5 & 6.

⁷⁹ Ibid, s. 10.

⁸⁰ Ibid, ss. 1 & 6.

preventing environmental degradation but requires robust implementation to achieve its intended impact.

3.4.8. CLIMATE CHANGE ACT, 2021

The Climate Change Act, 2021, marked Nigeria's legislative response to the global climate crisis and its Paris Agreement commitments.⁸¹ It aims to establish a legal framework for climate resilience and low-carbon development in Nigeria, addressing the economic, social, and environmental impacts of climate change.⁸² The Act mandates the Federal Government to set annual carbon budgets and establish the National Council on Climate Change to coordinate climate action.⁸³ It further integrates climate considerations into national planning, ensuring sustainable development across sectors.

The Act's provisions include Section 19, requiring the development of a Climate Change Action Plan, and Section 22, mandating climate reporting by businesses.⁸⁴ Section 24 emphasizes the establishment of a climate fund to support mitigation and adaptation initiatives.⁸⁵ While the Act lays a robust foundation for climate governance, its success hinges on effective implementation, adequate funding, and inter-agency coordination. Challenges such as enforcement capacity, political will, and public awareness must be addressed to ensure meaningful climate action. By enshrining climate goals into law, the Act represents a significant step toward a sustainable future but requires comprehensive efforts to deliver tangible outcomes.

⁸¹ CCA 2021.

⁸² Ibid, s. 1.

⁸³ Ibid, s. 2.

⁸⁴ Ibid, ss. 19 & 22.

⁸⁵ Ibid, s. 24.

3.4.9. FLARE GAS (PREVENTION OF WASTE AND POLLUTION) REGULATION 2018

In 2016, the federal government approved the Nigerian Gas Flare Commercialization Programme (NGFCP) in response to the Associated Reinjection Act and its Regulation of 1979 failing to fully address the issue of gas flaring because the penalty for flaring gas was too small to deter gas flaring in Nigeria. In 2018, the Minister of Petroleum Resources issued the Flare Gas (Prevention of Waste and Pollution) Regulation Of 2018, citing Section 5 of the Associated Gas Reinjection Act 1979 and Section 9(1) of the Petroleum Act 1969 as the umbrella laws.⁸⁶

The Regulation is centred on minimising the negative effects of gas flaring on the environment and society, preventing the wastage of natural gas resources, and generating economic and social advantages from gas flare capture.⁸⁷ By imposing a new flaring regime, the Regulation seeks to stop gas flaring while encouraging the commercialization of flare gas under the zero royalty regime.

The Federal Government made the decision to exercise and enjoy its rights, as stated in section 1 of the Petroleum Act and paragraph 35(b)(i) of the First Schedule to the Petroleum Act to take associated gas at the flare free of cost and without payment of royalty in order to actualize the nation's associated gas, flare out target.⁸⁸ This over fifty-year-old entitlement covers any natural gas found under petroleum leases and licences issued in accordance with the Petroleum Act.

As per the 2018 Regulations, the Minister has the authority to provide a "Permit to Access Flare Gas" to a "Qualified Applicant" so that they can obtain flare gas at any designated flare site on behalf of the Federal Government.

⁸⁶ CAP. A25, LFN 2004, s. 5; CAP. P10, LFN 2004, s. 9(1).

⁸⁷ Flare Gas Regulation 2018, r. 1.

⁸⁸ CAP. P10, LFN 2004, s.1.

In order to fulfil the goals of the Flare Gas Regulation, 2018, the Department of Petroleum Resources released a set of four guidelines in 2018. These policies cover the following topics:

i. Policies for Permits to Access Flare Gas; ii. Policies for Measurement, Data Management, and Reporting Requirements; iii. Policies for Flare Payments; and iv. Policies for Producer's Associated Gas Utilisation Project.

3.5. CONCLUSION

Environmental rights in Nigeria face numerous challenges in terms of effective regulation and enforcement. These challenges stem from weak institutional frameworks, inadequate resources, and lack of political will to prioritize environmental protection. The implementation of existing laws is often undermined by systemic corruption, limited public awareness, and insufficient technical expertise within regulatory bodies. Additionally, inadequate enforcement mechanisms, such as weak penalties and delays in legal processes, further exacerbate the problem, leaving many violations unchecked. These challenges hinder the country's progress in ensuring a safe and sustainable environment for its citizens and the broader ecosystem.

These challenges are fueled by the limitations of the extant legal provisions, which were designed without fully considering the complex, multifaceted nature of environmental degradation. Many laws, though seemingly comprehensive, lack clear enforcement mechanisms and often do not provide sufficient protection for vulnerable communities. Legal provisions, such as the non-justiciable environmental clauses in the Nigerian Constitution, prevent citizens from holding the government accountable for environmental harms. Moreover, outdated laws, inconsistent policies, and regulatory inefficiencies contribute to the failure to enforce environmental protections effectively, hindering any meaningful change in environmental governance.

This chapter has explored the extant legal framework governing environmental rights in Nigeria and has revealed a significant dichotomy. While the international legal framework supports the enforcement of environmental rights through treaties and conventions, the municipal legal framework does not fully align with these global commitments. International instruments, like the African Charter on Human and Peoples' Rights and the Paris Agreement, emphasize the protection of environmental rights, but Nigeria's domestic laws remain largely ineffective, limiting their practical application. This dissonance reflects the gap between international expectations and national enforcement capabilities.

One of the key reasons for this dichotomy is the non-domestication of most international treaties and conventions in Nigeria. Without formal incorporation into the national legal system, these international agreements lack the force of law within Nigeria. This failure to domesticate international environmental agreements makes them inapplicable in Nigeria's courts, further reinforcing the inefficiency of environmental rights enforcement. Even when international bodies find Nigeria in violation of environmental commitments, there is little legal recourse at the national level, contributing to the lethargic pace of change in addressing environmental degradation.

The subsequent chapter will build on the issues raised in this chapter by investigating the impact of *locus standi* on environmental rights litigation. It will examine how standing, or the right to bring a case before the court, significantly influences the ability of individuals, communities, and civil society organizations to challenge environmental violations. By focusing on *locus standi*, the next chapter will explore whether the legal barriers to accessing justice hinder the effective enforcement of environmental rights in Nigeria, ultimately contributing to a comprehensive understanding of the barriers to environmental justice in the country.

CHAPTER FOUR

AN APPRAISAL OF THE IMPACT OF LOCUS STANDI ON ENVIRONMENTAL RIGHTS' LITIGATION

4.1. INTRODUCTION

Environmental rights are a crucial element of legal systems worldwide, as they play a vital role in advancing sustainable development and safeguarding the well-being of present and future generations.¹ In Nigeria, environmental rights are upheld through a complex interplay of legislative measures, judicial interpretations, and constitutional provisions. These mechanisms aim to avoid environmental degradation and ensure its conservation for future generations. Essentially, environmental rights encompass the entitlement of individuals and communities to reside in a location that is suitable for living, secure, and conducive to good health.² This encompasses not only the tangible constituents of the environment, such as air, water, land, and wildlife, but also the intricate interconnections among these elements and the human populace. This statement aligns well with the provisions of Section 20 of the Constitution of the Federal Republic of Nigeria, 1999 (hereinafter “1999 Constitution”),³ which provides that, ‘the State shall protect and improve the environment and safeguard the water, air and land, forest and wildlife of Nigeria’.⁴

Environmental rights encompass not just the basic act of preserving the environment, but also involve actively promoting sustainability. This entails striking a balance between present desires and the ability of future generations to meet their own needs.⁵ Environmental rights

¹ A. Boyle, ‘Human Rights and the Environment: Where Next?’ (2012) 23(3) *The European Journal of International Law*, 613–642. <https://doi.org/10.1093/ejil/chs054> accessed 10 January 2025.

² B.E. Umukoro, ‘Looking Beyond the Constitution: Legislative Efforts Toward Environmental Rights in Nigeria: A Review of Some Salient Legislations’ (2022) 9(2) *Brawijaya Law Journal*, 141–164. <https://doi.org/10.21776/ub.blj.2022.009.02.03> accessed 10 January 2025

³ CAP. C23, LFN 2004.

⁴ Ibid, s. 20.

⁵ F. Breeze, and R. Kemp, ‘Sustainability in the Business Model Literature: A Review’ (2015) 57(6) *Business & Society*, 1702-1728.

encompass the prudent utilisation of resources to ensure their enduring viability and the conservation of natural ecosystems.

Several legislative initiatives, international agreements, and court opinions have shaped the legal landscape governing environmental rights in Nigeria. These legislative frameworks are the fundamental pillars for regulating human and industrial activities that could potentially harm the environment. They were outlined and explored in the previous chapter. Still, for the sake of recapitulation, they include the Oil Pipelines Act 1956, the Nigerian Environmental Impact Assessment Act of 1992,⁶ the National Environmental Standards and Regulations Enforcement Agency Act 2007,⁷ The Harmful Waste Act (Special Criminal Provision) 1988, the Federal Environmental Protection Agency 1988, the Climate Change Act, 2021,⁸ the Petroleum Industry Act 2021.⁹ International treaties and conventions on environmental rights include the Stockholm Conference 1972, the Vienna Convention for the Protection of the Ozone Layer 1985, the Montreal Protocol 1987, the Bamako Convention 1991, the United Nations Framework Convention on Climate Change (UNFCCC) 1992, the Kyoto protocol to the UNFCCC 1997, the Rio Conference 2012, and the Paris Agreement 2015.

However, the effectiveness of environmental rights relies heavily on the enforcement and implementation of these laws, in addition to their mere existence. Despite their intention to protect the environment, these laws encounter challenges in their implementation and in the accountability of the relevant agencies. Amongst other things, this has been attributed to an absence of political will culminating in a lethargic implementation of the extant laws. It has also been linked to the non-justiciability of environmental issues per section 6(6)(b) of the

⁶ Cap E12 LFN 2004

⁷ NESREA 2007.

⁸ CCA 2021.

⁹ PIA 2021.

1999 Constitution.¹⁰ Another causal factor is the non-domestication of the spate of international climate change treaties under section 12 of the Constitution, making them unenforceable in Nigeria.¹¹ Lastly, the absence of a cohesive and composite environmental protection dedicated regulatory institution defeats the purpose of the created laws.

This necessitates a more critical examination of the challenges impeding the enforcement of environmental protection in Nigeria, from a human rights perspective.

4.2. INFRINGEMENTS OF ENVIRONMENTAL RIGHTS IN NIGERIA

Infringement of environmental rights in Nigeria encompasses a litany of actions ranging from minute actions such as littering to profound activities like gas flaring, gas venting, bush burning, oil spillage, etc. Below we will examine a few ways in which environmental rights may be breached and the effects these actions have on the environmental, physiological, and political spheres of life.

4.2.1. INFRINGEMENT OF ENVIRONMENTAL RIGHTS

Gas Flaring

Gas flaring is the burning of natural gas associated with oil extraction.¹² It is the process whereby natural gas associated with crude oil during production of crude oil is burnt off. Natural gas supply in Nigeria comes in two streams - gas in isolated wells (or non-associated

¹⁰ This section precludes the adjudication of any of the items contained in Chapter II of the Constitution, of which environmental protection is a part. See CAP. C23, LFN 2004, s. 6(6)(b). See also E. Onyeabor, H. Agu and N. Nwanta, 'Litigating Loss and Damage as a Panacea for Abatement of Climate Change' (2016) 7(2) *Journal of Economics and Sustainable Development*, 144, 146–147

¹¹ Section 12 of the 1999 Constitution reads thus: No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly. Thus, the National Assembly must domesticate the treaty before it gains binding force in Nigeria. See CAP. C23, LFN 2004, s. 20.

¹² A. Anslem, 'Negative Effects of Gas Flaring: The Nigerian Experience' (2013) 1(1) *Journal of Environment Pollution and Human Health*, 6-8. <https://doi.org/10.12691/jephh-1-1-2> accessed 10 January 2025.

gas), and gas discovered together with oil (associated gas).¹³ These two sources exist in roughly equal proportions. While non-associated gas can be left underground until needed, associated gas is unavoidably lifted together with crude oil, and must either be harvested or disposed on-site as an unwanted by-product of oil. The common on-site disposal methods are by venting, if the volume is small enough, or flaring for larger volumes. To achieve flaring, the natural gas is extracted from the surface of the oil well, and routed to an elevated chimney called a gas flare where the associated gas is burnt off at the tip of the tall stack. Natural gas, pro-pene, ethylene, propylene, butadiene and butane constitute 95% of the waste gases flared. In combustion, gaseous hydrocarbons react with atmospheric oxygen to form carbon dioxide (CO₂) and water. In some waste gases, carbon monoxide (CO) is the major combustible component.

Gas flaring creates series of negative impacts on the people in those areas as well as the environment in general. ¹⁴ It is now recognized as a major environmental problem, contributing an amount of about 150 billion m³ of natural gas flared around the world, contaminating the environment with about 400 Mt CO₂ (carbon dioxide) equivalent emissions and other pollutants including methane (which is 80 times more powerful than CO₂) and black carbon (soot) per year.¹⁵

Gas Venting

Gas venting, often associated with gas flaring, is a practice within the oil and gas industry involving the release of natural gas into the atmosphere. While gas flaring involves the combustion of associated gas to prevent hazardous pressure build-ups during oil and gas

¹³ U. Udok and E.B. Akpan, 'Gas Flaring in Nigeria: Problems and Prospects' (2017) 5(1) *Global Journal of Politics and Law Research*, 16-28.

¹⁴ O. Orimoogunje, A. Ayanlade, T. Akinkuolie and J. Odiong, 'Perception on Effect of Gas Flaring on the Environment' (2010) 2(4) *Journal of Environmental and Earth Sciences*, 188-193.

¹⁵ M. Soltanieh, A. Zohrabian, M.J. Gholipour, and E. Kalnay, 'A Review of Global Gas Flaring and Venting and Impact on the Environment: Case study of Iran' (2016) 49 *International Journal of Greenhouse Gas Control*. <https://doi.org/10.1016/j.ijggc.2016.02.010> accessed 10 January 2025.

extraction, gas venting entails the direct release of unburned gas into the environment.¹⁶ Although both practices result in the release of greenhouse gases and contribute to environmental pollution, there are important distinctions between them. Unlike gas flaring, which involves the controlled ignition of associated gas, gas venting is typically an uncontrolled release of gas. This can occur for various reasons, such as equipment malfunctions, operational inefficiencies, or as a safety measure during emergency situations when flaring is not possible. Gas venting is considered less desirable from an environmental standpoint because it releases methane, a potent greenhouse gas, directly into the atmosphere without any combustion process to mitigate its impact.¹⁷

4.2.2. IMPACT OF BREACH ON ENVIRONMENTAL RIGHTS

Environmental Impact

Actions such as gas flaring significantly contributes to environmental problems, with a primary focus on emissions and efficiency concerns. One of the most critical issues is the release of greenhouse gases (GHGs) into the atmosphere, including carbon dioxide (CO₂) and methane (CH₄).¹⁸ These emissions are major contributors to global warming and climate change, affecting not only Nigeria but the entire planet.¹⁹ The consequences of climate change, such as altered weather patterns, scarcity of water resources, disrupted agricultural production, spread of pests and diseases, coastal flooding, and desertification, have particularly severe implications for developing countries like Nigeria.²⁰

¹⁶ S. Ismail and E. Umukoro, 'Global Impact of Gas Flaring' (2012) 4(4) *Energy and Power Engineering*, 290-302. Available at: <https://dx.doi.org/10.4236/epe.2012.44039> accessed January 2025.

¹⁷ Orimoogunje (n14), 188.

¹⁸ Ismail and Umukoro (n16), 300-302.

¹⁹ Orimoogunje (n14), 191.

²⁰ E.J. Dung, L. Bombom, and T. Agusomu, 'The Effects of Gas Flaring on Crops in the Niger Delta, Nigeria' (2008) 73 *GeoJournal*, 297-305. Available at: <https://doi.org/10.1007/s10708-008-9207-z> accessed 10 January 2025.

In the immediate vicinity of gas flare sites, there are observable environmental impacts. The flares themselves often burn at low efficiency, producing soot and pollutants that contaminate soil and water sources when deposited during rainfall. Acid rain, resulting from emissions during oil production operations, can damage agriculture, forests, and physical infrastructure. Moreover, gas flaring negatively affects plant growth, wildlife, and the microclimate. Studies have shown that it can alter vegetation, soil physicochemical properties, and ecological and bacterial spectra. These effects extend beyond the flare sites and can impact areas within a certain radius.

Physiological Impact

The health consequences of gas flaring and gas venting spread over a wide area, affecting those who rely on locally produced food or live near flare sites. Flare emissions contain toxins, including benzene and carcinogens, which can lead to respiratory problems, such as asthma, bronchitis, and other health issues.²¹ Benzene, a known emission from gas flares, is also linked to leukemia and blood-related diseases.²² Thermal pollution caused by gas flaring can affect the human body's tolerance to temperature fluctuations, and lack of adequate protection near flare sites puts nearby communities at risk.

Economic Impact

Gas flaring in Nigeria results in significant economic losses that could otherwise be harnessed for national development. Oil companies flare an estimated 2.5 billion cubic feet of gas daily, translating to an annual loss of revenue estimated at 2.5 billion US dollars.²³

²¹ S. Ovuakporaye and Others, 'Effects of gas flaring on Lung Function among residents of Gas flaring community in Delta State, Nigeria' (2012) 4(5) *Research Journal of Environmental and Earth Sciences*, 525-528.

²² F.A. Akeredolu and J. Sonibare, 'A Review of the Usefulness of Gas Flares in Air Pollution Control' (2004) 15(6) *Management of Environmental Quality*, 574-583. Available at: <https://doi.org/10.1108/14777830410560674> accessed 10 January 2025.

²³ O.J. Olujobi and Others, 'The Legal Framework for Combating Gas Flaring in Nigeria's Oil and Gas Industry: Can It Promote Sustainable Energy Security?' (2022) 14 *Sustainability*, 7626.

Despite some domestic use of the gas in industries, such as cement, breweries, glass, and aluminum production, gas flaring represents an enormous waste of revenue potential. Natural gas, if properly harnessed, can stimulate industrial development, serve as a foreign exchange earner, improve the capacity utilization of Nigerian industries, and provide employment opportunities. The economic cost of total gas flaring underscores the investment potential in the sector, calling for greater private sector involvement and government efforts to explore trading opportunities for gas.

4.3. THE ROLE OF LOCUS STANDI IN ENVIRONMENTAL RIGHTS LITIGATION

The concept of locus standi, or standing, serves as a gatekeeper in the realm of legal proceedings, determining who has the right to initiate legal action and access the courts. It embodies the principle that only those with a sufficient interest in the subject matter of the litigation should be allowed to bring a case before the court for adjudication.²⁴ Locus Standi, literally meaning the ‘Standing to sue’ or the ‘Right to sue’ is the derivative legal capacity a claimant has to institute an action on the basis of a breached or potentially breached right or a damage suffered in connection with the action of the defendant.²⁵

Rendered with excellent precision and not lacking in finesse, the Court in the case of *B.B. Apugu & Sons Ltd v. O.H.M.B.*,²⁶ held that; ‘a plaintiff has locus standi if he can show that there is a nexus between his action and the defendant’s conduct.’ This judicial authority already identifies two constituent elements of locus standi, to wit; a claim originating and arising from the conduct (action or inaction) of the defendant. In the landmark case of *Jutok*

<https://doi.org/10.3390/su14137626> accessed 10 January 2025.

²⁴ T.N. Alatise, ‘The Future of Standing to Sue in Environment and Climate Change Litigation in Nigeria’ (2022) 13(1) *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 28 – 39.

²⁵ B.A. Garner, *Black’s Law Dictionary* (11th Edn, Thomson Reuters 2019) 980.

²⁶ (2016) 13 NWLR (Pt. 1529) 206 at 269-270 Paras. G-A.

Int'l Ltd. v Diamond Bank Plc.,²⁷ the Court held that; 'the tests for determining locus standi are; the action must be justiciable and there must be a dispute between the parties.'

Locus standi is one of the thresholds of instituting a suit. It is one of the fulcrums for instituting an action. It is a preliminary issue, and the Supreme Court in the case of *AG Federation v. AG Lagos State*,²⁸ held that; 'the question whether a plaintiff has locus standi to bring an action in the first place raises an issue of jurisdiction.' This implies that if a plaintiff does not have locus standi to institute an action, the court would have no jurisdiction to entertain the suit.

The question whether a plaintiff has locus standi to bring an action in the first place does not depend on the success or the merit of the case, but on whether the plaintiff has sufficient interest or legal right in the subject matter of the dispute to entitle him to institute the action. In simpler terms, the statement of claim must disclose the plaintiff's sufficient legal interest and show how such interest arose in the subject matter of the action.

The above flows from the fact that the plaintiff must be able to establish that he suffered from the defendant's act or conduct giving him/her a stake in the subject matter. The legal concept of locus standi is predicated on the assumption that no court is obliged to provide a remedy for a claim in which the applicant has a remote, hypothetical or no interest. The latter of which is the sole degree to which the plaintiff in this case has an interest. In the case of *R v. Inland Revenue Commissioners, Ex. P National Federation of Self Employed and Small Business Ltd.*,²⁹ the Court per Lord Wilberforce stated that; 'There may be single cases in which it can be seen at the earliest stage that the person applying for judicial review has no interest at all, or no sufficient interest to support the application. But in other cases, this will not be so. In these kinds of cases, it will be necessary to consider the powers or duties in law

²⁷ (2016) 6 NWLR (Pt. 1501) 55 at 94 Para. A

²⁸ (2017) 8 NWLR (Pt. 1566) 20 at 55, Para. D

²⁹ [1982] AC 617.

of those against whom the relief is asked, the position of the applicant in relation to those powers and duties, and the breach of those said to have been committed.

In the realm of public interest litigation, particularly concerning environmental matters, the restrictive interpretation of locus standi has posed significant challenges. Public interest litigation serves as a mechanism for addressing societal concerns and holding governments and corporations accountable for their actions impacting the environment and public welfare. However, the traditional approach to locus standi has often hindered the pursuit of such cases, as courts have required plaintiffs to demonstrate a direct and personal interest in the subject matter, overlooking the broader public interest at stake.

4.4. JUDICIAL DECISIONS

Nigerian courts, influenced by common law traditions and constitutional provisions, have historically adopted a cautious stance towards public interest litigation, emphasizing individualized harm over collective concerns. Cases such as *Olawoyin v AG Northern Region of Nigeria*³⁰ and *Abraham Adesanya v President of the Federal Republic of Nigeria*,³¹ exemplify this restrictive approach, where courts dismissed claims lacking direct personal injury or specific legal standing, despite the broader societal implications. In both cases, the cases were dismissed by the Court because the claimant or appellant failed to disclose any sufficient interest to sustain the claims brought.

The landmark case of *Jonah Gbemre v Shell Petroleum Development Company (SPDC)*,³² however, represents a significant departure from the traditional confines of locus standi in environmental litigation within Nigeria. In the case, the applicant Gbemre, a representative of the Niger Delta Iwherokan community instituted an action against the Federal Government

³⁰ (1961) 2 SCNLR 5 at 10.

³¹ (1981) 5 SC 112.

³² (2005) Unreported Suit No: FHC/B/CS/53/05.

and Shell-BP. Whilst the case against the former was only for its complicit role, the latter was alleged to have intentionally engaged in massive and unceasingly intense gas flaring having debilitating effects on the environment. The Applicants cited the provisions of the Associated Gas Re-Injection Act,³³ the ACHPR Act,³⁴ and the 1999 Constitution,³⁵ alleging violations of fundamental rights to a healthy environment and dignity of human persons guaranteed by the Nigerian Constitution and international treaties.

The Federal High Court's decision in *Gbemre's* favor marked a paradigm shift in the application of locus standi, recognizing the inherent connection between environmental degradation and the infringement of fundamental rights. By granting *Gbemre*, and the affected community standing to bring the action, the court acknowledged the collective interests at stake and affirmed the right of citizens to seek redress for environmental harm, even in the absence of direct personal injury. Justice C.V. Nwokerie's ruling underscored the inseparable link between environmental protection and the realization of fundamental rights, emphasizing the duty of the government and corporations to uphold environmental standards and safeguard citizens' well-being. The judgment not only validated the community's standing to litigate but also highlighted the judiciary's role in ensuring accountability and promoting environmental justice.

Moreover, the decision in *Gbemre v SPDC*,³⁶ exemplifies a broader trend towards a more liberal interpretation of locus standi in environmental cases, aligning with global movements towards environmental protection and sustainable development. By embracing a holistic understanding of standing that accounts for the interconnectedness of environmental issues and human rights, Nigerian courts have the opportunity to advance the cause of

³³ CAP A25, LFN 2004.

³⁴ CAP A9, LFN 2004.

³⁵ CAP C23, LFN 2004.

³⁶ (2005) Suit No. FHC/B/CS/53/05.

environmental justice and empower communities to challenge environmental degradation effectively.

In conclusion, the concept of locus standi plays a pivotal role in shaping access to justice and legal accountability, particularly in environmental litigation. While traditional approaches have emphasized individualized harm and strict standing requirements, recent developments, exemplified by the *Gbemre* case, signal a shift towards a more inclusive and rights-based approach. By recognizing the collective interests of communities and the intrinsic value of environmental protection, courts can serve as catalysts for positive change and uphold the rule of law in safeguarding the environment for present and future generations.

4.5. CONCLUSION

In conclusion, the exploration of environmental rights within the Nigerian legal landscape illuminates their profound significance in shaping sustainable development, safeguarding human dignity, and promoting environmental justice. Throughout this chapter, we have delved into the nature and scope of environmental rights, their intersection with constitutional provisions, infringements affecting the environment, challenges posed by the concept of locus standi, and recent legal developments exemplified by the *Gbemre v SPDC* case. Environmental rights, encompassing the entitlement of individuals and communities to reside in a secure, healthy, and sustainable environment, are indispensable for ensuring the well-being of present and future generations. Despite the absence of explicit recognition within Chapter IV of the Nigerian Constitution, environmental imperatives are implicitly acknowledged and intimately linked to fundamental rights such as the right to life and dignity of the human person.

Infringements of environmental rights, exemplified by practices like gas flaring, underscore the urgent need for robust legal mechanisms to address environmental harm, protect public

health, and harness economic opportunities sustainably. Challenges such as the restrictive interpretation of locus standi have historically impeded access to justice in environmental matters, but recent legal developments signal a shift towards a more inclusive and rights-based approach. The landmark *Gbemre v SPDC* case represents a pivotal moment in the evolution of environmental litigation in Nigeria, affirming the collective interests of communities and the intrinsic value of environmental protection. By embracing a holistic understanding of standing and promoting accountability for environmental harm, Nigerian courts have the opportunity to catalyze positive change and uphold the rule of law in safeguarding the environment for present and future generations.

As Nigeria navigates the complex terrain of environmental governance, it is imperative to prioritize the enforcement of environmental regulations, enhance public participation, and strengthen institutional capacity for sustainable development. By fostering a culture of environmental stewardship, Nigeria can realize its potential to create a just, equitable, and environmentally sustainable future for all its citizens.

CHAPTER FIVE

CONCLUSION

5.1. SUMMARY OF FINDINGS

This study found that Nigeria faces significant challenges in enforcing environmental action, stemming from various obstacles such as limited awareness, weak enforcement of existing laws, poverty-driven practices, and the impact of climate change. Despite efforts to promote sustainable practices and protect the environment, these challenges hinder effective enforcement. Limited awareness among the general population about environmental issues, coupled with inadequate enforcement of existing laws due to corruption, limited resources, and a lack of political will, contribute to ongoing environmental degradation in the country.

Furthermore, the study identified two main challenges contributing to the failure of environmental actions in Nigeria: the non-justiciability of Chapter 2 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (hereinafter, '1999 Constitution'), and the issue of locus standi being used as a ground for the premature dismissal of environmental actions in court. The non-justiciability of Chapter II means that the provisions related to socio-economic rights, including environmental rights, lack enforceability, creating a gap between constitutional aspirations and practical enforcement. Additionally, locus standi has been utilized to limit access to justice in environmental cases, with courts dismissing cases on grounds of lack of specific injury or damage suffered by plaintiffs, as seen in the case of *Environmental Rights Action/Friends of the Earth Nigeria & Another v. Nigerian National Petroleum Corporation*.

Moreover, the study examined international standards in environmental law enforcement, comparing practices in countries like the United States and Australia with those in Nigeria. While countries like the USA and Australia have robust enforcement mechanisms and agencies responsible for upholding environmental laws, Nigeria faces challenges in

implementing and enforcing its environmental regulations effectively. The study highlighted the need for legal reforms, stronger government commitment, and the incorporation of international standards to address these challenges and promote environmental justice in Nigeria.

This study also found that environmental rights are crucial components of legal systems worldwide, aiming to promote sustainable development and protect the well-being of current and future generations. In Nigeria, environmental rights are upheld through a complex interplay of legislative measures, judicial interpretations, and constitutional provisions, as outlined in Section 20 of the 1999 Constitution.¹ However, the effectiveness of these rights is hindered by challenges in implementation, accountability of relevant agencies, and constitutional limitations on justiciability, particularly highlighted in the absence of explicit recognition within Chapter IV of the Constitution.²

Furthermore, the study revealed significant infringements of environmental rights in Nigeria, including gas flaring and venting, with detrimental impacts on the environment, human health, and the economy. Despite the economic potential of natural gas, estimated at billions of dollars annually, gas flaring represents a significant waste and contributes to environmental degradation. The physiological effects on nearby communities include respiratory problems and exposure to toxins, while the environmental impact extends to climate change, altered weather patterns, and ecological disruption.

The concept of locus standi, it was discovered, presents a challenge in environmental matters, limiting access to justice and legal accountability. While traditional approaches emphasize individualized harm and strict standing requirements, recent developments, exemplified by the *Gbemre* case, signal a shift towards a more inclusive and rights-based approach. By

¹ CAP. C23, LFN 2004.

² Ibid.

recognizing the collective interests of communities and the intrinsic value of environmental protection, courts can play a crucial role in advancing environmental justice and upholding the rule of law for the benefit of present and future generations.

In the fourth chapter, it was found that the case of *Fawehinmi v. Abacha*³ represents a pivotal moment in Nigeria's legal history, particularly in addressing the balance of power between the executive and the judiciary, especially concerning human rights. The Court of Appeal and later the Supreme Court grappled with the interpretation of ouster clauses found in military decrees, ultimately affirming the supremacy of international treaties like the African Charter on Human and Peoples' Rights (ACHPR) over domestic legislation. This landmark decision underscores the crucial role of judicial review in safeguarding fundamental rights, even in the face of attempts by the executive to limit jurisdiction. It also highlights the justiciability of human rights issues before domestic courts and the significant influence of international instruments in protecting rights and promoting accountability.

In addition, this study found that *Fawehinmi v. Abacha* offers valuable insights into the enforcement of environmental rights in Nigeria. By leveraging the provisions of the ACHPR and employing strategic litigation strategies, environmental advocates can overcome constitutional constraints and effectively enforce environmental laws. The case underscores the importance of public interest litigation in advancing environmental causes and holding governments accountable for their environmental obligations under international law. By invoking the ACHPR, individuals can compel courts to adjudicate environmental disputes and enforce environmental laws, thereby ensuring greater accountability and transparency in environmental governance.

Moreover, this study found that *Fawehinmi v. Abacha* serves as a testament to the resilience of the rule of law and the enduring commitment to protecting the rights and dignity of all

³ (2000) 6 NWLR 228 (SC).

individuals, including the right to a clean and healthy environment, in Nigeria's legal landscape. By affirming the supremacy of international treaties like the ACHPR and upholding the jurisdiction of courts to adjudicate human rights issues, the case reinforces the importance of legal mechanisms in promoting accountability and safeguarding fundamental freedoms. Overall, *Fawehinmi v. Abacha* highlights the vital role of the judiciary in upholding the rule of law and ensuring that no individual or entity is above the law, thereby contributing to a more just and equitable society.

5.2. RECOMMENDATIONS

Based on the findings of this study, several recommendations are proposed to address the challenges identified in enforcing environmental action in Nigeria:

1. **Constitutional Reform:** There is a pressing need for constitutional reform to make environmental rights justiciable within Chapter IV of the 1999 Constitution. This would entail amending the constitution to explicitly recognize and enforce environmental rights, aligning Nigeria's legal framework with international standards and ensuring greater accountability for environmental protection.
2. **Strengthened Enforcement Mechanisms:** The government should prioritize the strengthening of enforcement mechanisms for environmental laws and regulations. This includes allocating adequate resources to enforcement agencies, enhancing monitoring and surveillance capabilities, and implementing stricter penalties for environmental violations to deter non-compliance.
3. **Public Awareness and Education:** Efforts should be intensified to raise public awareness and educate the general population about environmental issues, their rights, and the importance of conservation. This can be achieved through targeted awareness campaigns,

educational programs in schools, and community engagement initiatives to foster a culture of environmental stewardship.

4. Capacity Building: There is a need to enhance the capacity of relevant stakeholders, including government officials, law enforcement agencies, legal practitioners, and civil society organizations, in environmental law and enforcement techniques. This can be accomplished through training programs, workshops, and partnerships with academic institutions and international organizations.

5. Strengthened Judicial Review: Judicial review mechanisms should be strengthened to ensure effective oversight of government actions and decisions affecting the environment. This includes empowering courts to adjudicate environmental disputes, applying principles of public interest litigation, and upholding the rule of law in environmental matters.

6. International Cooperation: Nigeria should enhance cooperation with international organizations and foreign governments to leverage technical expertise, resources, and best practices in environmental governance and enforcement. This can include bilateral agreements, capacity-building initiatives, and participation in international forums and conventions on environmental protection.

7. Community Participation: Community participation should be promoted in environmental decision-making processes to ensure that local perspectives and interests are adequately represented. This can be achieved through the establishment of community-based environmental committees, consultation mechanisms, and participatory approaches to environmental planning and management.

8. Incentives for Sustainable Practices: The government should introduce incentives and rewards for individuals, businesses, and industries that adopt sustainable practices and demonstrate environmental responsibility. This can include tax incentives, subsidies for green

initiatives, and recognition programs to encourage compliance with environmental regulations.

9. Research and Innovation: Investments should be made in research and innovation to develop new technologies, methodologies, and solutions for addressing environmental challenges in Nigeria. This can involve supporting research institutions, fostering collaboration between academia and industry, and promoting innovation hubs focused on environmental sustainability.

10. Political Will and Leadership: Ultimately, addressing the challenges of environmental action in Nigeria requires strong political will and leadership commitment at all levels of government. Leaders must prioritize environmental protection, demonstrate accountability, and spearhead initiatives to drive sustainable development and ensure a healthy environment for present and future generations.

5.3. CONCLUSION

In conclusion, this study has shed light on the significant challenges facing environmental action in Nigeria, ranging from limited awareness and weak enforcement to constitutional limitations and legal barriers. Despite these obstacles, there are opportunities for meaningful change through targeted interventions and policy reforms aimed at strengthening environmental governance, enhancing enforcement mechanisms, and promoting public participation.

The findings of this study underscore the urgent need for concerted efforts from all stakeholders to address environmental challenges and promote sustainable development in Nigeria. By implementing the recommendations outlined above and fostering collaboration between government, civil society, academia, and the private sector, Nigeria can overcome its

environmental challenges and ensure a cleaner, healthier, and more prosperous future for all its citizens. Furthermore, the study highlights the critical role of the judiciary in upholding environmental rights and promoting accountability in environmental governance. Through strategic litigation, public interest advocacy, and adherence to international standards, courts can serve as catalysts for environmental justice and contribute to the protection of the environment and the well-being of present and future generations.

In conclusion, the path to environmental sustainability in Nigeria requires comprehensive reforms, political will, and collective action. By addressing the root causes of environmental degradation, strengthening legal and institutional frameworks, and promoting a culture of environmental responsibility, Nigeria can emerge as a leader in environmental governance and set an example for other nations to follow.

BIBLIOGRAPHY

Books

- Atsegbua LA, Akpotaire V, and Dimowo F, *Environmental Law in Nigeria: Theory and Practice* (Ababa Press Ltd. 2004).
- Bast J, *Seven Theories of Climate Change* (The Heartland Institute 2010).
- Chianu E, *Law of Trespass to Land and Nuisance* (3rd edn, Ambik Press 2014).
- Gore A, *An Inconvenient Truth, The Planetary Emergency of Global Warming and What We Can Do About It* (Rodale Books 2006).
- Ishwara, *Idea and Methods of Legal Research* (Oxford Academic 2020).
<https://doi.org/10.1093/oso/9780199493098.001.0001> accessed 24 October 2024.
- Pielke RA, *Climate Change: The Need to consider Human Forcings besides Greenhouse Gases* (Springer 2009).

Edited Books

- Karimi V, Valizadeh N, Rahmani S, Bijani M, and Karimi M, 'Beyond Climate Change: Impacts, Adaptation Strategies, and Influencing Factors' In S.A. Bandh (ed), *Climate Change: The Social and Scientific Construct* (Springer 2021), 49–70.
https://doi.org/10.1007/978-3-030-86290-9_4 accessed 24 October 2024.

Articles

- Adebayo SM and Arowolo GA, 'The Efficacy of the Legal Framework for Combating Climate Change in Nigeria' (2012) 3(1) *University of Benin Journal of Private and Property Law*, 83–104.
- Afinotan U, 'How Serious is Nigeria about Climate Change Mitigation Through Gas Flaring Regulation in the Niger Delta' (2022) 24(4) *Environmental Law Review*, 290.
<https://doi.org/10.1177/14614529221137142> accessed 24 October 2024.

- Akinyi DV, Ng'ang'a SK, and Girvetz EH, 'Trade-offs and Synergies of Climate Change Adaptation Strategies Among Smallholder Farmers in Sub-Saharan Africa: A Systematic Review' (2021) 2 *Regional Sustainability*, 130–143. [https://doi.org/10.1016/j.regus.2021.05.002](https://doi.org/10.1016/j.regsus.2021.05.002) accessed 24 October 2024.
- Amadi SO and Udo AO, 'Climate Change in Contemporary Nigeria: An Empirical Analysis of Trends, Impacts, Challenges and Coping Strategies' (2015) 7(2) *IOSR Journal of Applied Pyhsics*, 5–7. <https://doi.org/10.970/4861-07230109> accessed 24 October 2024.
- Ambituuni A, Amezaga J, and Emeseh E, 'Analysis of Safety and Environmental Regulations for Downstream Petroleum Industry Operations in Nigeria: Problems and Prospects' (2014) 9 *Environmental Development*, 43. <http://dx.doi.org/10.1016/j.envdev.2013.12.002> accessed 31 January 2025.
- Amuda-Kannike A, Amuda-Kannike Y, and Jude-Akaraonye GO, 'An Examination of the Nigerian Climate Change Laws and Policies: Stagnation or Progress? (2023) 2(2) *Law and Humanities Quarterly Reviews*, 30–38. <https://doi.org/10.31014/aior.1996.02.02.69/> accessed 24 October 2024.
- Colchester M, 'Self-Determination or Environmental Determinism for Indigenous Peoples in Tropical Forest Conservation' (2000) 14(5) *Conservation Biology*, 1365–1367. <https://doi.org/10.1046/j.1523-1739.2000.00129.x> accessed 28 November 2024.
- Dabi DD and Jidauna GG, 'Climate Change and Local Perception in Selected Settlements in Sudan-Sahelian Region of Nigeria' (2010) 2 *Journal of Environmental Sciences and Resource Management*, 1–12.
- Diamond J, 'All the World's A Lab' (2010) 205(2753) *New Scientist*, 28–31. [https://doi.org/10.1016/S0262-4079\(10\)60720-8](https://doi.org/10.1016/S0262-4079(10)60720-8) accessed 28 November 2024.
- Elias P and Omojola A, 'Case Study: The Challenges of Climate Change for Lagos, Nigeria' (2015) 13 *Current Opinion in Environmental Sustainability*, 74–78. <https://doi.org/10.1016/j.cosust.2015.02.008> accessed 24 October 2024.

- Elias P and Omojola A, ‘Case Study: The Challenges of Climate Change for Lagos, Nigeria’ (2015) 13 *Current Opinion in Environmental Sustainability*, 74–78. <<https://doi.org/10.1016/j.cosust.2015.02.008>> accessed 28 November 2024.
- Fada SJ, ‘An Appraisal of Nigeria’s Progress in Achieving the SDG-13 Climate Action Goal’ (2022) 15(2) *Journal of Sustainable Development*, 74. <<https://doi.org/10.5539/jsd.v15n2p66>> accessed 28 November 2024.
- Fada SJ, Dabi DD, and Muhammad NZ, ‘A Survey of Water Sources For Households around the Yankari Game Reserve, Nigeria’ (2018) 7(2) *International Journal of Innovative Research and Development*, 33–37. <https://doi.org/10.24948/2017.01.03> accessed 24 October 2024.
- Idowu AA, Ayoola SO, Opele AI, and Ikenweiwe NB, ‘Impact of Climate Change in Nigeria’ (2011) 2(2) *Iranica Journal of Energy & Environment*, 146.
- Ladan MT, ‘Nigeria’s Climate Change Act and Policy 2021 and the Future of Climate Litigation’ (2022) *Ahmadu Bello University*, 4. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4019698 accessed 24 October 2024.
- Mantu JI, ‘NESREA and the Challenge of Enforcing the Provisions of Environmental Impact Assessment Act in Nigeria’ (2019) *SSRN Electronic Journal* <http://dx.doi.org/10.2139/ssrn.3410104> accessed 31 January 2025.
- Mertz O, D’haen S, Maiga A, Moussa IB, Barbier B, Diouf A, Diallo D, Da ED, and Dabi D, ‘Climate Variability and Environmental Stress in the Sudan-Sahel Zone of West Africa’ (2012) 41(4) *AMBIO A Journal of the Human Environment*, 380–392. <https://doi.org/10.1007/s13280-011-0231-8> accessed 24 October 2024.
- Monday JU, Ekperiware MC, and Muritala BR, ‘Downstream Oil Deregulation and Nigerian Economy’ (2016) 5(1) *ECOFORUM Journal*, 25–31. <https://www.ecoforumjournal.ro/index.php/eco/article/view/320/224> accessed 31 January 2025.

- Nwakwoala HO, 'Case Studies on Coastal Wetlands and Water Resources in Nigeria' (2012) 1(2) *European Journal of Sustainable Development*, 113. <https://doi.org/10.14207/ejsd.2012.v1n2p113> accessed 24 October 2024.
- Nwakwoala HO, 'Case Studies on Coastal Wetlands and Water Resources in Nigeria' (2012) 1(2) *European Journal of Sustainable Development*, 113 <<https://doi.org/10.14207/ejsd.2012.v1n2p113>> accessed 28 November 2024.
- Okafor A and Olaniyan A, 'Legal and Institutional Framework for Promoting Oil Pipeline Security in Nigeria' (2017) 8(2) *Journal of Sustainable Development Law and Policy (The)*, 209–224. <<http://dx.doi.org/10.4314/jstdlp.v8i2.10>> accessed 31 January 2025.
- Oludayo A, 'The Legal and Institutional Framework for the Regulation of Climate Change in Nigeria' (2004) 24(1) *Journal of Private and Property Law*, 46–47.
- Onyeabor E, Agu H, and Nwanta N, 'Litigating Loss and Damage as a Panacea for Abatement of Climate Change' (2016) 7(2) *Journal of Economics and Sustainable Development*, 144, 146–147.
- Onyeneke R, 'Does Climate Change Adaptation Lead to Increased Productivity of Rice Production? Lessons From Ebonyi State, Nigeria' (2020) 36(1) *Renewable Agriculture and Food Systems*, 1–15. <<https://doi.org/10.1017/S1742170519000486>> accessed 28 November 2024.
- Owen G, 'What Makes Climate Change Adaptation Effective? A Systematic Review of the Literature' (2020) 62(4) *Global Environmental Change*, 1–18. <https://doi.org/10.1016/j.gloenvcha.2020.102071> accessed 24 October 2024.
- Peet R, 'The Social Origins of Environmental Determinism' (1985) 75(3) *Annals of the Association of American Geographers*, 309–333. <https://doi.org/10.1111/j.1467-8306.1985.tb00069.x> accessed 28 November 2024.
- Rahman MI, 'Climate Change: A Theoretical Review' (2013) 11(1) *Interdisciplinary Description of Complex Systems*, 7. < <https://hrcak.srce.hr/file/141435>> accessed 28 November 2024.

Sietsma AJ, Ford JD, Callaghan MW, and Minx JC, ‘Progress in Climate Change Adaptation Research’ (2021) 16(1) *Environmental Research Letters*, 1–14. <https://doi.org/10.1088/1748-9326/abf7f3> accessed 24 October 2024.

Singh C, Iyer S, New MG, Few R, Kuchimanchi B, Segnon AC, and Morchain D, ‘Interrogating ‘Effectiveness’ in Climate Change Adaptation: 11 Guiding Principles for Adaptation Research and Practice’ (2022) 14(7) *Climate and Development*, 650–664. <https://doi.org/10.1080/17565529.2021.1964937> accessed 24 October 2024.

Tarfa PY and Ayuba HK, Onyeneke RU, Idria N, Nwajuba CA, and Igberi CO, ‘Climate Change Perception And Adaptation in Nigeria’s Guinea Savanna: Empirical Evidence From Framers in Nassarawa State, Nigeria’ (2019) 17(3) *Applied Ecology and Environmental Research*, 7086. <https://doi.org/10.15666/aeer/1703_70857112> accessed 28 November 2024.

Watts N, ‘The Lancet Countdown on Health and Climate Change: From 25 Years of Inaction to a Global Transformation for Public Health’ (2018) 391(10120) *LANCET*, 581–630. [https://doi.org/10.1016/s0140-6736\(17\)32464-9](https://doi.org/10.1016/s0140-6736(17)32464-9) accessed 24 October 2024.

Magazines and Newspapers

Aduloju B, ‘Zainab Ahmed: \$1.9 Trillion needed to Achieve Nigeria’s 2060 Net-Zero Target’ *The Cable* (Lagos, 24 August 2022) <<https://www.thecable.ng/zainab-ahmed-1-9trn-needed-to-achieve-nigerias-2060-net-zero-target/amp>> accessed 22 January 2025.

Chime V, ‘Buhari Pledges Nigeria will Reach Net Zero Emissions by 2060’ *The Cable* (Lagos, 2 November 2021). <https://www.thecable.ng/nigeria-targets-2060-for-net-zero-emissions-ten-years-after-un-target/amp> accessed 24 October 2024.