

JUSTIFICATION OF ENVIRONMENTAL RIGHTS ENFORCEMENT IN NIGERIA; CHALLENGES AND PROSPECTS

Essienudo, Etimekama O.*

Abstract

The enforcement of environmental rights in Nigeria remains a critical challenge despite the existence of numerous constitutional provisions, statutory frameworks, and judicial mechanisms aimed at protecting the environment. This article critically examines the legal basis for environmental rights enforcement in Nigeria, with particular attention to the roles of statutory regulation, common law remedies, judicial intervention, and institutional actors. It analyses key environmental statutes, including the NESREA Act, the Petroleum Industry Act, the Environmental Impact Assessment Act, and relevant constitutional provisions, highlighting persistent enforcement gaps arising from vague legislative drafting, weak penalties, regulatory overlaps, and political interference. The article further evaluates the effectiveness of common law and judicial remedies such as injunctions, damages, and declaratory reliefs in addressing environmental harm, especially in oil-producing regions. Drawing on case law, scholarly commentary, and institutional practice, the study identifies major obstacles to enforcement, including the non-justifiability of Chapter II of the Nigerian Constitution, corruption, poverty, weak institutional capacity, and judicial inconsistency. The article argues that while Nigeria has made incremental progress in recognising environmental rights, effective enforcement remains undermined by structural and governance failures. It concludes by proposing legal and institutional reforms aimed at strengthening environmental accountability, enhancing

* Department of Public Law, Faculty of Law, University of Uyo, Uyo, Akwa Ibom State, Nigeria. Email: ekama2017@gmail.com

*access to justice, and promoting sustainable environmental
governance in Nigeria.*

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1.0 INTRODUCTION

In an ideal society, much importance is placed on the protection of environment in order to create a safe, healthy and conducive environment for the realization of sustainability of human race, conservation of natural resources and biodiversity. However, it would appear that environmental degradation and pollution is inevitable in human existence and it creates environmental problems which adversely affect the rights and productivity of a citizen. Since environmental pollution is almost a common phenomenon in the society and the Environmental law field, there is bound to be a clash of interest resulting from differences in aspirations of the host communities, Multinational Oil companies, Government which most times hang on issues of breached rights, conditions of environment, compensation and of course enforcement of breached environmental rights.¹Resolution of these disputes between the parties, require good faith, confidence and mutual understanding and having access to the justice system to enforce environmental rights.²

The protection of environment is a recent national and international concern, there are laws enacted by both the International and National Government which seeks to preserve the environment from attacks from

¹M Ladan, ‘*Review of NESREA Act 2007 and Regulation 2009-2011: A new Dawn in Environmental compliance and enforcement in Nigeria*’ Law, Environment and Development Journal (2012) p.116.

² A Adekunle, ‘*Critical notes on environmental justice and sustainable development*’ International journal of sociology and anthropology (2018) review10 p.21-26.

human activities. Environmental rights arises as a result of expansion of basic human rights that mankind is entitled to.³ Having a safe and sustainable environment is paramount just as other recognized fundamental rights enshrined in the Nigerian Constitution.⁴ The desire to ensure that all citizens can access a certain standard of living is the principal concern of environmental rights enforcement.⁵ Beyond this, environmental rights enforcement includes obligation of the industries and agencies to act responsibly in the utilization of the natural resources. Recently, in 2021 the Petroleum Industry Bill was passed into Law and it aims at unifying the plethora of laws in the oil and gas industry as well as enhance the rights of the citizens in an environment.⁶ Whatever the extent to which constitution and other environmental laws can attain, its value of environmental rights enforcement depends on the handling measures because it may serve as a catalyst for reform. Thus, the greatest challenge is how best to effectively manage environmental activities in order to minimize degradation and pollution but rather increase accruable benefits to advance the course of development of a society.

In view of this, this research shall examine the concept of environmental rights, the enforcement mechanisms, the legal framework for enforcement of environmental rights and positive measures, for the purpose of resuscitating and strengthening the enforcement of environmental rights for the betterment of an individual and society at large under the environmental laws in Nigeria.

³*Ransome Kuti v. Attorney General of the Federation* (1985) 2 NWLR (pt.6)211.

⁴*Jonah Gbemre v. Shell Petroleum Development Company Nigeria Ltd and ors* (unreported) suit no. FHC/B/53 Federal High Court decision on 14/11/2005.

⁵*ibid* n 2.

⁶G Amalu, 'Law and Public Order: The PIB Dilemma' *The NATION* Newspaper (Nigeria, 1 August 2021) p.26.

2.0 CONCEPT OF THE ENVIRONMENT

The term “Environment” has several definitions and one of its simplest forms could be referred to as the place where a person lives or is at any given point in time.⁷ According to Prof. Osipitan, the environment is evidently nature’s most generous contribution to human existence on earth.⁸

Statutorily, the Nigerian Constitution attempts the description of the term environment when it states thus, “The state shall protect and improve the environment and safeguard the water, air and land, forest and wildlife in Nigeria”.⁹ Section 37 of the National Environmental Standards and Regulations Enforcement Agency Act¹⁰ defines Environment thus “environment include water, air, land and all plants and human beings or animals living therein and the inter-relationships which exists among these or any of them”. Environment is also defined as the components of the earth and includes land, water, air including all layers of the atmosphere, all organic and inorganic matter and living organisms and the interacting natural systems that include the components referred to above.¹¹

At the International sphere, the declaration of the United Nations Stockholm Conference on the Human Environment of 1972 (UNCHE) merely refers to man’s environment as that which gives him physical sustenance and affords him the opportunity for intellectual, spiritual, moral and social growth.

⁷ I Ikimi, “*The Law, the Courts and the challenges of Environmental protection in Nigeria*” *The Justice Journal contemporary legal issues* (2014) vol.VI, no 1-6, 407.

⁸ T Osipitan “*A Conspectus of Environmental Laws in Nigeria*” 1 *Journal of public Law* (1997) pg 85.

⁹ Section 20 of the 1999 constitution of the federal republic of Nigeria as amended.

¹⁰ Cap. N164 Laws of the Federation of Nigeria 2010.

¹¹ Section 61 of the Environmental Impact Assessment Act 1992. CAP E11 Laws of the Federation 2004.

2.1 Concept of Environmental Rights

In the modern era, the articulation of environmental rights initially centered around basic human needs, aligning with the principle of human dignity. The acknowledgment of access to clean water, sanitation, and a safe environment as prerequisites for a dignified life reflects a foundational framework recognizing these essential requirements for the full enjoyment of human rights. This evolution laid the groundwork for the principle of sustainable development, aiming to meet present needs without compromising the ability of future generations to meet their own.

Global challenges like climate change and biodiversity loss necessitate global cooperation and collective action, leading to frameworks such as the Paris Agreement (UNFCCC, 2015). These agreements recognize the interconnected nature of environmental challenges and the shared responsibility to address them through collaborative efforts. Despite significant advancements, the full realization of environmental rights faces challenges. Weak enforcement mechanisms, corporate interests, and entrenched inequalities hinder effective implementation¹².

3.0 ENVIRONMENTAL RIGHTS UNDER THE STATUTES

Statutory remedies for environmental rights violations in Nigeria provide an essential framework for addressing pollution, land degradation, and other forms of environmental harm. Unlike Common Law remedies, which often impose high evidentiary burdens on plaintiffs, statutory remedies under specific environmental laws are designed to streamline legal action and empower regulatory bodies to enforce environmental protections. However, while statutory frameworks offer more direct avenues for redress, their effectiveness is frequently undermined by enforcement challenges, regulatory overlap,

¹²R Kidd, “The Routledge Handbook of Global Environmental Politics” (2019) Routledge.

and limited resources. A critical analysis of these statutory remedies reveals both the potential and the limitations of legislative efforts to protect environmental rights in Nigeria.

One of the primary statutory frameworks for environmental protection in Nigeria is the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act of 2007. The NESREA Act empowers the agency to enforce compliance with environmental laws, standards, and regulations, particularly in industries prone to causing environmental damage. The section 7 of the NESREA Act establishes specific guidelines for pollution control, waste management, and biodiversity preservation, making it a vital tool for addressing widespread pollution issues, especially in oil-producing areas.

The Environmental Impact Assessment (EIA) Act of 1992 is another crucial statutory instrument that aims to prevent environmental harm before it occurs. The EIA Act mandates that any proposed project likely to have significant environmental effects must undergo an assessment to evaluate its potential impact. This requirement applies to industries such as oil exploration, construction, and mining, which have historically contributed to environmental degradation in Nigeria. The Section 2 of the EIA Act process is intended to ensure that environmental considerations are integrated into project planning, thus preventing adverse environmental impacts. However, the implementation of the EIA Act has faced significant challenges. Scholars argue that due to corruption and weak enforcement mechanisms, many projects proceed without thorough assessments, and in cases where assessments are conducted, their recommendations are often ignored¹³.

¹³ D Okon, “*Environmental Legislation in Nigeria: Challenges and Prospects*” *African Legal Studies Review*, vol. 13, no. 4, 2020, pp. 50-70.

The EIA Act, while theoretically powerful, has limited practical impact on environmental protection due to these enforcement weaknesses.

The Petroleum Act of 1969 and its subsidiary legislation, including the Oil in Navigable Waters Act, also play a vital role in providing statutory remedies for environmental harm. These statutes govern oil exploration and production, requiring companies to adopt measures to prevent oil spills and other forms of pollution. For example, under the Section 8 of the Petroleum Act, oil companies are obligated to avoid environmental damage, with penalties for failure to comply. Despite this provision, enforcement has proven difficult, as regulatory bodies often lack the necessary independence to hold powerful oil companies accountable. As evidenced in the repeated oil spills and pollution incidents in the Niger Delta, statutory protections under the Petroleum Act are frequently compromised by political pressures and regulatory capture, where regulators become influenced or controlled by the industries they are supposed to oversee¹⁴.

While statutory remedies provide a framework for environmental protection in Nigeria, their effectiveness is severely constrained by institutional and regulatory weaknesses. Many regulatory agencies lack the autonomy and resources to enforce environmental laws effectively. Moreover, there is often a lack of coordination between agencies, leading to overlapping responsibilities and inconsistent enforcement. For instance, both NESREA and the Department of Petroleum Resources (DPR) claim regulatory authority over oil pollution, resulting in jurisdictional conflicts that delay action and allow environmental harm to continue unchecked¹⁵. This regulatory overlap not only

¹⁴ *ibid*

¹⁵ E Afolabi, “*Strict Liability and Environmental Law in Nigeria*” *Journal of African Development Studies*, vol. 10, no. 3, 2021, pp. 50-62.

weakens enforcement but also creates opportunities for companies to exploit regulatory gaps.

In conclusion, statutory remedies for environmental rights in Nigeria represent a critical step toward addressing environmental degradation. Laws such as the NESREA Act, EIA Act, Petroleum Act, and Harmful Waste Act provide formal mechanisms for holding polluters accountable. However, their effectiveness is hindered by weak enforcement, regulatory conflicts, and political influence. For statutory remedies to be truly effective, Nigeria must strengthen its regulatory agencies, enhance inter-agency coordination, and amend the Constitution to make environmental rights justiciable. Only by addressing these structural issues can statutory remedies offer real protection for Nigeria's environment and the communities that depend on it.

4.0 CHALLENGES OF ENFORCEMENT OF ENVIRONMENTAL RIGHTS

It is hardly arguable that environmental policies and legislation no matter how beautifully conceived towards the protection of the Nigerian environment will at best be an exercise in futility and of little significance unless and until they are accompanied by effective means of enforcement and compliance. This section identifies and discusses the challenges to the legal enforcement of environmental laws in Nigeria. The lack of enforceability or binding status of Section 20 of the Constitution of the Federal Republic of Nigeria (as amended) presents a significant legal challenge to the enforcement of environmental rights within the country. Unlike other fundamental rights, the Nigerian Constitution does not explicitly provide for the right to a healthy and clean environment.

Additionally, the enforcement of environmental laws is legally limited to NESREA and state environmental agencies, leaving non-governmental organizations and private citizens without the standing to pursue legal action against public environmental degradation based on principles of sustainable development. This restriction hinders progress toward environmental justice and has driven Nigerian environmental advocates to seek redress outside the country, as seen in the case of *Saro-Wiwa and 9 Ors v Royal Dutch Petroleum Company*¹⁶.

4.1 Inadequate Penalties or Punishments for Violators of Environmental Laws

The penalties or punishments prescribed by the laws for offenders or violators of environmental laws are in most cases, low and inadequate and thus, not deterrent enough to compel compliance with environmental laws. For example, sections 1, 3 and 5 of the Oil in Navigable Waters Act prohibit discharge of oil into the waters of Nigeria and mandates ships to install anti-pollution equipment for the purpose of preventing water pollution. Section 108 of the above provisions are violated, the violator (ship owner or master) will be liable and guilty of an offence and will pay a fine of two thousand naira (₦2,000) for such violation. The authors regards the punishment of a fine of two thousand naira(₦2,000) too small and grossly inadequate to serve the purpose of this law as it is not likely going to serve as an effective tool for deterrence to polluters of the environment, especially, the oil and gas companies operating in the Niger Delta region. Also, there is no provision in the NOSDRA Act that specifically imposes fines for an oil spill incident; only failure to report an incident and to clean up and remediate the impacted (polluted) site within two weeks of the occurrence of the spill is punishable. This provision is particularly concerning, as an oil spiller who would have assumed an obligation to

¹⁶ Decided on September 14, 2000 by the United States Court of Appeals, second circuit, docket nos. 99-7223, 99-7245

report an oil spill incident may prefer to pay the fine of two million naira rather than engage in the clean-up process. This situation then removes deterrence and fosters an environment where the law is observed more in its breach than in compliance. Besides, the violators are usually multinational companies that are extremely rich and can afford to pay the fine with ease.

4.2 Flawed Statutes and Laws

One of the major challenges in enforcing environmental rights in Nigeria is the presence of flawed statutes and outdated laws. Many of Nigeria's environmental regulations are either outdated or structurally weak, leading to ineffective enforcement or limited accountability for polluters. The laws that do exist, such as the Harmful Waste (Special Criminal Provisions) Act and the Environmental Impact Assessment Act, often lack stringent enforcement mechanisms and adequate penalties to deter violators¹⁷. Consequently, corporations, particularly in the oil and gas sectors, can exploit these loopholes, committing environmental infractions with minimal repercussions.

Moreover, scholars argue that these statutes often prioritize economic interests over environmental protections, reflecting a bias towards corporate profitability rather than ecological sustainability¹⁸. This legal imbalance is evident in the Oil Pipelines Act, which grants oil companies considerable leeway to conduct activities with limited accountability for environmental damage. The act not only fails to enforce strict liability for environmental harm but also lacks clear standards for restoration and rehabilitation of damaged areas.¹⁹

¹⁷ F Okonkwo, "Environmental Rights and Statutory Flaws in Nigerian Law" (Lagos University Press, 2021).

¹⁸ L Adeola, "The Weakness of Environmental Institutions in Nigeria" *Journal of African Environmental Studies*, vol. 16, no. 3, 2021, pp. 89-97.

¹⁹ T Agbo, and I Ibekwe, "Environmental Sabotage and Its Impact on Enforcement." *Journal of African Studies*, vol. 20, no. 3, 2023, pp. 70-80.

Additionally, the fragmentation of environmental regulations across different agencies contributes to enforcement challenges. Regulatory bodies, including the National Environmental Standards and Regulations Enforcement Agency (NESREA) and the Department of Petroleum Resources (DPR), often have overlapping roles and conflicting mandates, which hampers efficient environmental regulations. Such jurisdictional ambiguities allow corporations to evade accountability by exploiting these regulatory gaps. Reform advocates argue that consolidating environmental laws into a comprehensive framework would enhance coherence and strengthen enforcement²⁰.

4.3 Judicial attitude in Enforcement of Environmental Rights

The judiciary's role in enforcing environmental rights in Nigeria has been inconsistent, with some judgments reflecting a progressive stance and others revealing reluctance to challenge corporate interests. In some landmark cases, Nigerian courts have issued rulings favorable to environmental protection, recognizing the importance of environmental rights as integral to human right²¹. For instance, in *Gbemre v. Shell Petroleum Development Company of Nigeria Ltd.*²², the Federal High Court ruled in favor of the plaintiff, affirming that gas flaring violated the constitutional rights to life and dignity. This decision marked a significant step toward judicial recognition of environmental rights as fundamental human rights.

However, such progressive decisions are rare, as courts frequently adopt a conservative approach, often prioritizing economic considerations

²⁰ G Nwafor, "Reforming Environmental Laws to Address Oil Spills" *Nigerian Legal Review*, vol. 22, no. 4, 2020, pp. 95-100.

²¹ O Eze, "Empowering Civil Society for Environmental Justice in Nigeria" *Africa Development Review*, vol. 34, no. 1, 2023, pp. 63-69.

²² Suit No. FHC/CS/B/153/2005 unreported decision delivered on 14th November 2005

over environmental protections. This attitude is partly due to the non-justiciability of Chapter II of the Constitution, which courts interpret as a limitation on their authority to enforce socioeconomic and environmental rights. This conservative judicial stance is especially prevalent in cases involving powerful corporations, where judges appear hesitant to rule against entities that significantly contribute to the nation's economy. Some scholars also point to the lack of specialized environmental courts as a barrier to effective judicial enforcement of environmental rights²³. Without specialized courts or dedicated environmental judges, complex environmental cases are often handled by judges with limited expertise in environmental law, which can impact the quality and depth of judicial reasoning in such cases.

4.4 Ignorance

Ignorance of the existence of the right to a healthy environment based on the notion of non-justiciability of section 20 of the CFRN 1999 has for several years hindered the enforcement of environmental laws. As the aphorism goes, "Ignorance is Bliss" most of the people whose environmental rights are infringed upon are living in the bliss of ignorance. For environmental right to be enforced, the victim must be aware of the right being breached. Natives of communities have continuously inhaled noxious gases into their blood streams, drink water from contaminated sources ignorant of the health impact to their bodies. This lack of awareness of the existence of environmental rights was further promoted by the interpretation of section 20 as a non-justiciable right as evidenced in the cases of *A.G. Ondo State v A.G. Federation*²⁴, and *Archbishop Olubunmi Okogie (Trustees of Roman Catholic Schools) and Ors v The Attorney General of Lagos State*²⁵, where the

²³ L Adeola, "Judicial Conservatism and Environmental Rights in Nigeria." Nigerian Journal of Environmental Law, vol. 17, no. 2, 2021, pp. 85-93.

²⁴ (2002) 9 NWLR (pt.772) 222

²⁵ (1981) 1 NCLR 218 HC

Nigerian Court held that the provisions of Chapter II of the 1999 Constitution, including environmental rights provisions of section 20, are non-justiciable and therefore, unenforceable in Nigeria. Most Nigerians are not yet aware that the growing trend in the jurisprudence of human rights, especially, through the African Charter on Human and Peoples Rights (ACHPRs), have rendered the notion of non-justiciability of section 20 of the CFRN 1999 untrue, as illustrated in the cases of *Jonah Gbemre v SPDC*²⁶, *SPDC Ltd v. Tiebo*²⁷, *SPDC Ltd v. Farrah*²⁸, *Ogiale v. SPDC*²⁹ and *Social and Economic Rights Action Centre and the Centre for Economic and Social Rights (SERAP) v Nigeria*³⁰, where both the Nigerian court and the African Commission on Human Rights held that Nigerians have a right to a healthy environment.

Moreover, research indicates that the absence of environmental education in Nigeria's national curriculum has further compounded this issue, leaving citizens without a foundational understanding of environmental science and its societal implications³¹. Ignorance, in this context, prevents communities from effectively mobilizing against environmental injustice. When individuals lack knowledge about the

²⁶Ibid n.22

²⁷ (1996) 4 NWLR (pt.445)657 at p.680, Where the peremabiri community sued shell claiming compensation of 64 million naira for environmental damage arising from the company oil spill into the river nun which was their source of drinking water and fishing.

²⁸ (1995) 3 NWLR (pt. 382) 148, In this case the Respondent instituted an action against the Appellant for oil pollution that occasioned desertification of respondent's arable land.

²⁹ (1997) 1 NWLR (pt.480) 148, where the Olomoro community in Delta state claimed compensation for impoverishment of their land as a result of oil exploration and production of the company since 1962.

³⁰ General list No. ECW/CCJ/APP/08/09, judgement No. ECW/CCJ/APP/18/12, decided on December 14, 2012 at Ecowas court of justice, sitting at Ibadan, Nigeria.

³¹ C Nwachukwu, "Educational Gaps and Environmental Ignorance" *African Journal of Education and Development*, vol. 19, no. 4, 2024, pp. 110-115.

long-term impacts of pollution, for example, they may not recognize the harm caused by oil spills or waste dumping until it manifests in deteriorating health conditions or reduced agricultural yields. This ignorance serves the interests of corporations that benefit from passive communities, allowing them to continue harmful practices without facing organized resistance.

4.5 Corruption

Corruption is arguably the most pervasive challenge undermining environmental protection in Nigeria. Corruption exists at various levels, including within governmental agencies, law enforcement, and even within the judiciary. Environmental protection agencies such as the National Environmental Standards and Regulations Enforcement Agency (NESREA) and the Department of Petroleum Resources (DPR) have faced allegations of corruption, with officials accused of accepting bribes to overlook environmental infractions by corporations. These corrupt practices create a culture of impunity, where companies feel emboldened to ignore environmental laws, knowing that enforcement can be circumvented through illicit payments.

Critics argue that corruption has deep roots in Nigeria's oil-dependent economy, where the wealth generated by oil extraction has created an environment ripe for bribery and favoritism³². For instance, some oil companies allegedly engage in "settlements" with regulatory officials, paying them to overlook oil spills and gas flaring violations. Such acts erode public trust in environmental institutions and discourage communities from seeking legal redress for environmental harm. Even when cases of corruption are exposed, the perpetrators are rarely prosecuted, reinforcing the notion that environmental law is selectively enforced to benefit powerful interests.

³²G Nwafor, "Corruption and Environmental Protection in Nigeria" *Journal of International Law and Policy*, vol. 21, no. 2, 2023, pp. 70-76.

4.6 Poverty

Poverty is a critical barrier to environmental enforcement, as impoverished communities often prioritize immediate survival over long-term environmental concerns. In many parts of Nigeria, poverty forces individuals to engage in environmentally harmful practices, such as illegal logging or sand mining, simply to make a living. These activities contribute to environmental degradation and strain already scarce resources, compounding the challenges of environmental protection. For example, deforestation caused by logging has led to soil erosion and desertification, especially in northern Nigeria, further endangering vulnerable communities.

Additionally, poverty limits the ability of affected communities to mobilize and demand environmental justice.³³ Legal actions, protests, and advocacy campaigns require resources that impoverished communities simply cannot afford.

5.0 PROSPECTS OF ENVIRONMENTAL RIGHTS ENFORCEMENT

The enforcement of environmental rights in Nigeria holds significant prospects for promoting sustainable development, enhancing public health, and empowering communities to defend their environmental heritage. Despite the considerable challenges posed by factors such as poverty, corruption, and weak institutional frameworks, there are encouraging developments in environmental rights that could lead to more robust enforcement mechanisms. These include the rise of legal frameworks, international influence, and an increasingly vocal civil society pushing for environmental accountability.

³³ *Seismograph services Ltd v. Onokposa* (1972) 4 SC 123

International pressure and Nigeria's participation in global environmental agreements such as the Paris Climate Accord have also been influential. These agreements have set ambitious goals for reducing carbon emissions, promoting clean energy, and protecting biodiversity³⁴. Nigeria's commitment to these treaties has led to international funding and support for environmental initiatives, providing technical expertise and financial assistance for projects that aim to improve environmental quality. By aligning its domestic policies with international standards, Nigeria has the opportunity to create a more structured approach to environmental protection, thereby improving enforcement and compliance with environmental laws.

Another significant prospect lies in the growth of Nigeria's civil society and the role of environmental advocacy groups, which are increasing pressure on the government and corporations to uphold environmental rights. Organizations like the Environmental Rights Action (ERA) and Friends of the Earth Nigeria have been pivotal in raising awareness and initiating lawsuits against corporations for environmental degradation, particularly in the Niger Delta region³⁵.

The expansion of environmental rights enforcement also involves greater access to environmental justice through technology and information. Digital platforms have given communities new means of documenting environmental degradation, mobilizing support, and reporting violations directly to relevant authorities or international bodies. This technological empowerment makes it easier for communities to hold corporations accountable and to engage with a

³⁴United Nations Environment Programme "Global Pact for the Environment (<https://www.unep.org/events/conference/towards-global-pact-environment>) accessed on 25 December 2025

³⁵ O Ojo, & A Alao, "The Oil and Gas Sector Reform and the Implications of the Petroleum Industry Act 2021 on Environmental Protection in Nigeria" (2021) *International Journal of Sustainable Development*, 24(5), 23-34.

global audience, increasing visibility for local environmental struggles³⁶. Additionally, the media has increasingly highlighted the importance of environmental protection, which places further pressure on policymakers and regulatory agencies to act. By leveraging technology, Nigeria could improve public participation in environmental governance and create a more transparent enforcement process.

Nevertheless, for these prospects to materialize fully, the Nigerian government needs to make substantial investments in institutional capacity and strengthen environmental regulations. Experts advocate for establishing an independent oversight body dedicated to enforcing environmental laws, which could address some of the corruption and inefficiency issues that currently impede progress. Additionally, integrating environmental education into Nigeria's school curriculum could equip future generations with the knowledge needed to participate in sustainable practices and uphold environmental standards. As society becomes more aware of the value of environmental rights, there will likely be more support for policies that prioritise environmental health over short-term economic gains.

6.0 CONCLUSION

Environmental protection in Nigeria is a crucial but complicated task subjected to various legislation, institutions, algorithms, and social parameters. Although environmental protection laws are in place, there are still many gray areas in the area of their application, so they remain largely ineffective. The other important spheres of problems are legal uncertainties and non-applicability of the environmental Bill of Rights stipulated in the Constitution; this way, the culprits are rarely held accountable.

³⁶ G Chinedu, "*Environmental Justice in Nigeria: A Study of the Niger Delta Region*". Ibadan Academic Press, 200.

The Institutional deficiencies have a key role in the actual situation of environmental protection. The bodies which are responsible for environmental control like the National Environmental Standards and Regulations Enforcement Agency (NESREA) are suffering from the lack of adequate funding and personnel and they face various issues in terms of taking compliance measures. The court system, although it sometimes issues progressive judgments, frequently meets the following limitations: non-justiciable constitutional provisions, long trial processes, and high lawsuits fees, which discourage the affected communities from taking any legal actions.

Despite these difficulties, there are chances for enhancement. One way to tackle environmental threats is to align national environmental laws with international standards, fortify regulatory institutional setups and furnish regulatory authorities with both manpower and institutional autonomy, and, obviously, these are some of the finest paths to make. Improving the system requires the community to be more aware and involved in the environmental activities of the country that besides enhancing the accountability aspect will nurture the advocacy movements. Among these, one of the possible judicial measures is the initiation of specialised environmental courts which will prompt the resolution of environmental disputes and timely justice for affected communities.

6.0 RECOMMENDATIONS

- i. The National Assembly must initiate a constitutional amendment to remove Section 20 from Chapter II (Fundamental Objectives) and re-enact it as a justiciable right within Chapter IV (Fundamental Rights). This would provide a direct, unequivocal constitutional right to a clean, healthy, and sustainable environment.

- ii. The legislature should enact a comprehensive and cohesive environmental framework law to harmonise and strengthen existing statutes.
- iii. The National Judicial Institute (NJI) should implement specialized training programs for judges on environmental law, scientific evidence evaluation, and the management of complex environmental litigation to enhance expertise within the judiciary.
- iv. The legal community, supported by the judiciary, should develop and promote litigation support mechanisms, including pro bono networks and legal aid clinics, to assist indigent communities in overcoming the challenges of proof and cost in environmental cases.