

Constitutional and Legislative Framework for Sustainable Environmental Management in Nigeria: Issues and Challenges

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ABSTRACT

The long-term survival and sustenance of every society are contingent on sustainable environmental management. For a country like Nigeria, with a continuous increase in the rate and intensity of environmental degradation, sustainability practices, laws, and institutions are even more critical. Rapid industrialisation, unchecked oil exploration, and ineffective regulatory enforcement have all contributed to this problem. This seemingly perpetual destruction of the environment ought to be addressed effectively, and specifically by using the country's legal and institutional frameworks to effect some degree of positive change. However, lapses and gaps in the execution of crucial legislation, combined with gross political negligence and unwillingness to act, have hindered any form of progress. This paper examines Nigeria's existing legal and institutional frameworks, highlights and evaluates challenges that delimit their effectiveness, and offers some insights into their apparent and expected contributions to environmental sustainability. The paper employs a doctrinal method and relies heavily on primary legislation, judicial authorities, and secondary academic sources, particularly studies from expert legal, socio-political, and environmental scholars. The study concludes with a considerable number of recommendations that suggest important areas of improvement in Nigeria's broader plan for effective environmental management. This research contributes a comprehensive analysis of Nigeria's constitutional and legislative frameworks for environmental management, identifying legal gaps and proposing actionable reforms to strengthen sustainable environmental governance.

Introduction

The decision-making process of prioritising one crucial aspect of governance over another is a herculean task that every country has to deal with.¹ When economic

¹ Osikemekha Anthony Anani, Paul Atagamen Aidonojie, and John Ovie Olomukoro, "Environmental Principles and Ethics: Current Challenges in the Field of Bioscience and Law," in *Ethics, Media, Theology and Development in Africa: A Festschrift in Honour of Msgr Prof. Dr Obiora Francis Ike* (Geneva: Globethics, 2022), 143–63, <https://doi.org/https://doi.org/10.58863/20.500.12424/4244416>.

emancipation, industrial advancement, infrastructural development, and, in some instances, recovery is pitted against environmental management, the stakes of this decision-making process become significantly higher.² How states address this dilemma is dependent on a number of socioeconomic, cultural, and political factors.³ Nevertheless, the final decision often has plenteous benefits or profound consequences.⁴ In Nigeria, matters pertaining to the economy, revenue generation and such other issues, have often taken precedence over environmental issues. While this pattern of decision-making may have persisted over several administrations, it has also been interspersed with ambitions and efforts to instil some level of environmental consciousness within the Nigerian society. These efforts are based on the notion that the environment exists not just for the present but also for future generations.⁵

Nigeria has a rich environment that deserves sustainable management. The country is situated on the west coast of Africa and is recognised as the most populous black Country in the world. Nigeria is bordered in the south by the Gulf of Guinea, part of the North Atlantic Ocean and in the north by the Sahara Desert.⁶ The country's size, approximately 356,668 sq miles (923,770 sq kilometres), is characterised as a patchwork of distinct regions, including plains, swamps, mountains, rainforests, deserts, and steamy jungles. It possesses one of the longest and largest river systems on Earth, including the Niger Delta, which is the third-largest delta in the world.⁷ The country is richly endowed with numerous and diverse natural resources, including oil, gas, and other precious stones, as well as industrial metals. The country has a varied climate that supports a wide range of ecosystems, from rain and mangrove forests in the south to the savannahs and semi-arid regions in the northern part of the country.⁸ In addition, the country has significant potential for renewable energy sources, including wind, solar, biomass, and hydropower.

² Elizabeth Spike and Jeffrey P. Spike, "Ethical Principles for Ecology and Environmental Ethics: What Ecology Can Learn about Applied Ethics from Biomedical Ethics," *Earth Stewardship* 1, no. 1 (October 11, 2024), <https://doi.org/10.1002/eas2.70000>.

³ Kingsley Eghonghon Ukhurebor et al., "Environmental Influence of Gas Flaring: Perspective from the Niger Delta Region of Nigeria," ed. Reza Rezaee, *Geofluids* 2024 (May 17, 2024): 1–17, <https://doi.org/10.1155/2024/1321022>.

⁴ Paul Atagamen Aidonojie et al., "Regulations, Initiatives, and Legislation Regarding the Management of Plastic Waste," in *Plastic and the COVID-19 Pandemic* (Cham: Springer Nature Switzerland, 2025), 229–46, https://doi.org/10.1007/978-3-031-74769-4_14.

⁵ Chris Sneddon, Richard B. Howarth, and Richard B. Norgaard, "Sustainable Development in a Post-Brundtland World," *Ecological Economics* 57, no. 2 (May 2006): 253–68, <https://doi.org/10.1016/j.ecolecon.2005.04.013>.

⁶ Kisubi Esther Christine, Godard Busingye, and Nyapid Brenda, "The Resource Curse in Uganda: A Legal Analysis of Oil Governance and Sustainable Development Challenges," *KIU Law Journal* 6, no. 2 (2024): 241–57, <https://kiulj.kiu.ac.ug/article-view.php?i=134&t=the-resource-curse-in-uganda-a-legal-analysis-of-oil-governance-and-sustainable-development-challenges>.

⁷ Osikemekha Anthony Anani et al., "Current Methods in the Management and Disposal of Plastic Wastes During COVID-19 Pandemic," in *Plastic and the COVID-19 Pandemic* (Cham: Springer Nature Switzerland, 2025), 27–43, https://doi.org/10.1007/978-3-031-74769-4_3.

⁸ Esther Kisubi et al., "AI as a Detector and Clean-Up of Environmental Waste in Uganda: Legal and Policy Perspectives," *KIU Law Journal* 6, no. 2 (2024): 274–302.

Nigeria is home to a diverse array of animal and plant species that contribute significantly to the country's rich and diverse biodiversity. However, despite these endowments, the country faces numerous challenges related to environmental pollution and degradation, particularly from human activities such as oil exploration and deforestation.⁹

To sustainably manage the environment, several legal and institutional frameworks have been established over the years.¹⁰ Mechlem posits that the primary function of these frameworks is to create a more structured and concerted plan for ensuring environmental sustainability and, on a more short-term agenda, guarantee effective environmental management.¹¹ Additionally, these frameworks have multiple layers and levels. Within the Nigerian context, local government institutions and legal frameworks should function seamlessly with similar structures at the State and Federal government levels.¹² The citizenry is also an integral part of this process. They ought to be carried along at every phase of decision-making, especially in this case, where their very environment is involved.¹³ The government and the media must provide the populace with comprehensive and consistent information regarding these frameworks and their functionality. Often, ignorance thrives and public support dwindles when the citizens are insufficiently informed about the legal and institutional provisions that pertain to environmental security.¹⁴ There are a plethora of problems that ensue when this happens, as will be elucidated in this paper; however, in the most simple terms, efforts made to delimit and mitigate environmental degradation need “all hands on deck”.¹⁵

The legal and regulatory challenges related to sustainable environmental management in Nigeria are primarily associated with constitutional vagueness, disjointed legislation, and a lack of enforcement mechanisms. The 1999 Constitution

⁹ Godswill Owoche Antai et al., “Examination of the Efficacy of International Law in Combatting Trans-Border Environmental Crimes,” *NIU Journal of Legal Studies* 11, no. 1 (March 31, 2025): 87–102, <https://doi.org/10.58709/niujs.v11i1.2141>.

¹⁰ Jean-David Gerber et al., “Institutional Resource Regimes: Towards Sustainability through the Combination of Property-Rights Theory and Policy Analysis,” *Ecological Economics* 68, no. 3 (January 2009): 798–809, <https://doi.org/10.1016/j.ecolecon.2008.06.013>.

¹¹ Kerstin Mechlem, “Groundwater Governance: The Role of Legal Frameworks at the Local and National Level—Established Practice and Emerging Trends,” *Water* 8, no. 8 (August 17, 2016): 347, <https://doi.org/10.3390/w8080347>.

¹² Paul Atagamen Aidonojie et al., “The Role of Digital and Scientific Technology in Complimenting Global Legal Framework Towards Clean Energy Transition,” *Journal of Sustainable Development Law and Policy (The)* 15, no. 3 (November 25, 2024): 314–43, <https://doi.org/10.4314/jsdip.v15i3.12>.

¹³ Osikemekha Anthony Anani et al., *Bio-Nano Filtration as an Abatement Technique Used in the Management and Treatment of Impurities in Industrial Wastewater* (Boca Raton: CRC Press, 2023), <https://doi.org/10.1201/9781003165149>.

¹⁴ Ikenna Mike Alumona and Kingsley Maduka Onwuanabile, “Environmental Insecurity in Nigeria,” in *Internal Security Management in Nigeria* (Singapore: Springer Nature Singapore, 2019), 181–213, https://doi.org/10.1007/978-981-13-8215-4_10.

¹⁵ Paul Atagamen Aidonojie et al., “The Legal Challenges and Effect Concerning the Environmental Security in Nigeria: A Lesson from International Perspective,” *Journal of Commercial and Property Law* 9, no. 1 (2022): 110–20, <https://journals.unizik.edu.ng/index.php/jcpl/article/view/1011>.

mentions environmental protection in Chapter II, but the relevant provisions are not justiciable, limiting the ability of citizens to address environmental degradation by the state. There are also various environmental laws including the NESREA Act, Environmental Impact Assessment Act and the Climate Change Act 2021, which lack coherence and coordination and often have jurisdictional overlap which can lead to regulatory uncertainty especially because those derived from statutes, are often vague in essence, provide weak enforcement provisions and are often uncoordinated with Nigeria's international obligations concerning environmental governance. In addition, institutional capabilities are compromised; regulatory institutions are underfunded, poorly staffed, and influenced by political interference, thus undermining their independence and effectiveness. There are no effective monitoring systems, and citizen awareness and access to environmental justice is confined, thus excluding ample progress towards sustainable environmental governance in Nigeria.

In this regard, Oil spills in the Niger Delta, deforestation in the Savannah region, and desertification in the North are just a few cases of environmental deterioration that plague Nigeria today.¹⁶ These problems have worsened continuously with each passing decade. The next few years do not look promising either, especially when considering the implications of compounded environmental issues on a global level. Despite the country's best efforts through the establishment of various frameworks to combat pollution and environmental degradation, there is still much more that can and should be done.¹⁷ This paper critically evaluates the Nigerian legal and institutional frameworks established to address environmental issues. It also analyses how these multiple frameworks interact with other facets of society, identifies key challenges associated with solving environmental problems, and proffers recommendations for addressing these issues.

The existing scholarship on environmental governance in Nigeria examines fundamental aspects but does not address the serious gaps that the subject of this paper, "Constitution and Legislative Framework for Sustainable Environmental Management in Nigeria: Issues and Challenges," stipulates. Ajai¹⁸ examines conventional and customary law as they relate to the management of water and argues for the importance of understanding folkloric conventions and norms as integral to modern regulatory regimes. Still, his paper focuses solely on water resources and fails to provide a comprehensive constitutional and legislative

¹⁶ Muhammad Mutawalli et al., "Filling Members of the Financial Audit Board: Constitutional Review and Legislative Intervention," *Al-'Adl* 17, no. 1 (2024), <https://doi.org/https://doi.org/10.31332/aladl.v17i1.7707>.

¹⁷ Paul Atagamen Aidonojie et al., "A Facile Review On The Protection Of An Invention In Nigeria: Issues And Challenges," *Jurnal Hukum Dan Peradilan* 12, no. 2 (2023): 371, <https://doi.org/10.25216/jhp.12.2.2023.371-408>.

¹⁸ Olawale Ajai, "Law, Water and Sustainable Development: Framework of Nigerian Law," *LEAD Journal (Law, Environment and Development Journal)* 8, no. 1 (2012), www.lead-journal.org.

assessment. Olujobi et al.¹⁹ engage with sustainable development through the lens of legal compliance and national integration, focusing primarily on Chapter II of the 1999 Constitution, which addresses non-justiciability; however, their approach is largely framed in terms of policy, and as a result, they have not formally described and critiqued the systemic legal regime. Aidonojie et al.²⁰ conceptualised environmental governance in terms of security infringements and defective legal regimes, but these insights do not adequately discuss all the regimes within a legal-institutional framework of the legislative architecture to achieve sustainable environmental management. As discussed further in the conclusion, Chidiogo Chime offers a comparative constitutional analysis of environmental rights, but their primary lens of focus is a cross-jurisdictional umbrella for rights protections. Furthermore, their exploration considers only Nigeria's statutory instruments (NESREA Act, EIA Act, and Climate Change Act, 2021) as relevant under someone's Coffee framework and does not discuss how they intersect with the Constitution.²¹

This proposed topic, therefore, is a novel one with an integrated methodology, as it connects constitutional analysis and legislative review in a comprehensive assessment of the strengths, weaknesses, and contradictions underlying Nigeria's environmental laws and policy objectives. It is also important to emphasise that this study does not merely involve an exercise of identifying non-justiciability or comparing constitutional rights; it consists of an investigation of the relationship between the Constitution and statutory laws (and in some cases, the laws fail miserably) to derive sustainable environmental management. Inherent in that investigation will be consideration of the enforcement regime, institutional coordination challenges, and legislative reform prospects concerning how Nigeria's environmental governance can be aligned with international sustainability priorities and its national development agenda. In doing so, the research study will make a theoretical and scholarly contribution, providing recommendations to enhance the coherence and enforceability of Nigeria's environmental regime.

Methods

This research adopts a doctrinal method which primarily depends on the analysis of laws, legal texts, judicial decisions and relevant works of academic scholars in environmental law, policy-making, politics, sustainability practices, and other related issues. As Hutchinson and Duncan note, doctrinal research “offers a well-structured exposition of the rules that pertain to a particular legal category;

¹⁹ Olusola Joshua Olujobi, Oshobugie Suleiman Irumekhai, and Adetutu Deborah Aina-Pelemo, “Sustainable Development and National Integration: A Catalyst for Enhancing Environmental Law Compliance in Nigeria,” *Environmental Policy and Law* 54, no. 1 (2024): 27–41, <https://doi.org/https://doi.org/10.3233/EPL-230050>.

²⁰ Aidonojie et al., “The Legal Challenges and Effect Concerning the Environmental Security in Nigeria: A Lesson from International Perspective.”

²¹ Chidiogo Chime, “An Appraisal of The Legal Framework for Environmental Impact Assessment in Nigeria,” *SSRN Electronic Journal*, 2024, <https://doi.org/10.2139/ssrn.4832440>.

analyses the relationship between different laws, rules, and regulation; explains certain complex areas that pertain to the subject; and in some instances, make predictions of future trends or occurrences involving the subject.²²

The doctrinal method enables a comprehensive examination of the basic foundations of environmental management in Nigeria focusing specifically on how laws are designed, interpreted and implemented. This method, whenever employed, has one primary aim: to ensure improved understanding of the subject being explored—in this case, sustainable environmental management in relation to Nigerian legal and institutional frameworks. The doctrinal methodology is thorough. It gives additional attention to the design of the legal frameworks, the capabilities and mandates of regulatory institutions, and the pragmatic realities that shape environmental management.

Discussion

Conceptual and Theoretical Framework for Sustainable Environmental Management

Understanding sustainable environmental management requires defining some key concepts. This process provides greater clarity on these concepts, reduces ambiguity related to their understanding, and ensures that they are properly established within broader discussions on environmental issues.²³ Daly explains that the term “sustainable” does not imply “forever”, as that would lead to some difficulties in understanding the true essence of the term. He was of the opinion that “sustainability”, means as a way of asserting the essence of longevity and intergenerational equity, while simultaneously recognising mortality and humanity’s finitude.²⁴

The Nigerian Environmental Impact Assessment (EIA) Act provides that the “Environment” encompasses the natural and built surroundings of a proposed project, which include air, water, land, flora, fauna, and human populations.²⁵ Larsson adds some additional layers to this definition, with a more holistic perspective. She suggests that “Environment” not only comprises all natural elements and ecosystems, but that it also includes the social, economic, cultural, and aesthetic conditions that either influence or are influenced by changes in these

²² Terry Hutchinson and Nigel Duncan, “Defining and Describing What We Do: Doctrinal Legal Research,” *Deakin Law Review* 17, no. 1 (October 1, 2012): 83, <https://doi.org/10.21153/dlr2012vol17no1art70>.

²³ Paul Atagamen Aidonojie et al., “International Legal Framework in Curtailing Hazardous Covid-19 Medical Waste: Issues and Challenges,” *Decora Law Journal* 1, no. 1 (2025): 1–17, <https://ejournal.pustakaparawali.com/index.php/dlj>.

²⁴ Herman E. Daly, “Sustainable Development—Definitions, Principles, Policies,” in *The Future of Sustainability* (Dordrecht: Springer Netherlands, 2006), 39–53, https://doi.org/10.1007/1-4020-4908-0_2.

²⁵ Ibrahim Aliyu, Andrew Clark, and Michael Hardman, “A Systematic Quality Evaluation of Public Participation in Environmental Impact Statements (EIS): Reflecting on Practice in Nigeria,” *Impact Assessment and Project Appraisal* 43, no. 3 (May 4, 2025): 229–50, <https://doi.org/10.1080/14615517.2025.2518781>.

natural systems.²⁶ While management could be seen as an activity that entails getting things done with the aid of people and other resources, Jones and George assert that it involves organising, planning, leading, and controlling human and other resources to achieve organisational set goals effectively, adequately and efficiently.²⁷

Sustainable environmental management could therefore be referred to as the stewardship, organisation, planning, and control of natural resources in a way that meets current societal needs without compromising the ability of future generations to meet theirs.²⁸ It is a concept that demands the careful balancing of environmental protection, conservation and utilisation, with economic and social development. It is a principle articulated by the famous Brundtland Commission report of 1987, and one that strongly reemphasised the aforementioned principle of intergenerational equity.²⁹ Padilla, in agreeing with this explanation, asserts that allowing environmental degradation to persist as it does today imposes a debt on future generations that they never agreed to and may be unable to repay when the time comes.³⁰ Hence, the relevance of the various legal and institutional frameworks for the sustainable management of the environment.³¹

Theoretically, the environmental justice theory posits that the government is primarily responsible for addressing both systemic environmental and social inequities, ensuring fair treatment, participation, and access to a healthy environment for all.³² Anyogu explains that, in Nigeria, this would involve recognising historical injustices, particularly in the Niger Delta and other rural or poor areas, and advocating for legal and institutional frameworks that can foster environmental sustainability, public health and equitable resource distribution.³³ In addition, the public trust doctrine holds that certain natural resources are held in trust by the state

²⁶ Marie-Louise Larsson, “Legal Definitions of the Environment and of Environmental Damage,” *The Law of Environmental Damage*, 2023, 121–44, https://doi.org/10.1163/9789004638327_005.

²⁷ Gareth R. Jones and Jennifer M. George, *Essentials of Contemporary Management* (New York: McGraw-Hill Education, 2018), 53, <https://www.mheducation.com/highered/product/essentials-of-contemporary-management-jones.html?pd=search#mh-ecomm-he-product-accordion-34496518-heading-mh-ecomm-accordion-list-49509808db>.

²⁸ Paul Atagamen Aidonojie et al., “Breaking Legal and Socio-Economic Challenges to Plastic Waste Regulation in Nigeria: Lessons Learned from Singapore,” *Yustisia Jurnal Hukum* 13, no. 1 (April 30, 2024): 64, <https://doi.org/10.20961/yustisia.v13i1.78388>.

²⁹ Edwin Zaccai, “Over Two Decades in Pursuit of Sustainable Development: Influence, Transformations, Limits,” *Environmental Development* 1, no. 1 (January 2012): 79–90, <https://doi.org/10.1016/j.envdev.2011.11.002>.

³⁰ Emilio Padilla, “Intergenerational Equity and Sustainability,” *Ecological Economics* 41, no. 1 (April 2002): 69–83, [https://doi.org/10.1016/S0921-8009\(02\)00026-5](https://doi.org/10.1016/S0921-8009(02)00026-5).

³¹ Paul Atagamen Aidonojie et al., “Potential and Legal Challenges of the Metaverse for Environmental Awareness and Sustainability in Nigeria: A Comparative Analysis with Singapore,” *Administrative and Environmental Law Review* 5, no. 1 (April 30, 2024): 33–58, <https://doi.org/10.25041/aclr.v5i1.3230>.

³² Benjamin Hale, Andrew Light, and Lydia Lawhon, *The Routledge Companion to Environmental Ethics* (New York: Routledge, 2022), <https://doi.org/10.4324/9781315768090>.

³³ Felicia Anyogu and E Nyekwere, “Appraisal of the Legal and Institutional Framework for Sustainable Environmental Management in Nigeria,” *The Nigerian Juridical Review* 16 (June 28, 2022): 155–76, <https://doi.org/10.56284/tjnr.v16i1.18>.

for the benefit of the people, and must be protected at all costs from private exploitation.³⁴ In Nigeria, this doctrine could apply to the management of resources like water bodies, forests, and oil, ensuring that these are used equitably and that the activities of private entities do not harm the public's access to them.³⁵

A strong conceptualisation of sustainable environmental management is essential for understanding the present environmental management practices in Nigeria, ascertaining its numerous weaknesses and proposing viable solutions for the challenges.³⁶ Furthermore, the theoretical perspectives inform us about how some of Nigeria's environmental policies are framed and how the country's institutions tasked with executing these policies approach their various duties.³⁷

Legal Framework for Realising Sustainable Environmental Management

Environmental management in Nigeria has a clear legal foundation rooted in both national and international laws. These legal frameworks consist of a body of environmental laws, rules and regulations that protect the environment³⁸ and helps in guiding the government and its parastatals at every tier in ensuring the actualisation of all environmental management objectives. The country's legal framework also provides its citizenry and all resident corporations with comprehensive information regarding all rules, regulations, and penalties that govern their interactions with the environment.³⁹

1) *Constitution of the Federal Republic of Nigeria 1999 (As Amended)*

The 1999 Constitution of the Federal Republic of Nigeria, as the Grundnorm from which 'every other institution or body of authority derive their validity, establishes extensive government obligations for environmental management.⁴⁰ The Nigerian Constitution recognises the need and significance of sustainable

³⁴ Joseph L. Sax, "The Public Trust Doctrine in Natural Resource Law: Effective Judicial Intervention," *Michigan Law Review* 68, no. 3 (1970): 471, <https://doi.org/10.2307/1287556>.

³⁵ Paul Atagamen Aidonojie et al., "Bioenergy Revamping and Complimenting the Global Environmental Legal Framework on the Reduction of Waste Materials: A Facile Review," *Helijon* 9, no. 1 (January 2023): e12860, <https://doi.org/10.1016/j.helijon.2023.e12860>.

³⁶ Odetokun Olukayode Oladele Paul Atagamen Aidonojie, Oyenmwosa Anne Odojor, "An Empirical Study of the Relevance and Legal Challenges of an E-Contract of Agreement in Nigeria," *Cogito Multidisciplinary Research Journal* 12, no. 3 (2020): 181.

³⁷ Kingsley Eghonghon Ukhurebor and Paul Atagamen Aidonojie, "The Influence of Climate Change on Food Innovation Technology: Review on Topical Developments and Legal Framework," *Agriculture & Food Security* 10, no. 1 (December 2, 2021): 50, <https://doi.org/10.1186/s40066-021-00327-4>.

³⁸ Williams Oluwale Adebayo, Amen Osamede Jegede, and Joseph Adunbi Ogundele, "Environmental Laws in Nigeria: Negligence and Compliance on Road Transportation Land Use Planning Pattern in the South-South Geo-Political Zone," *Donnish Journal of Law and Conflict Resolution* 1, no. 3 (2015): 018–028, <https://donnishjournals.org/djlcra/abstract/2015/october/Adebayo-et-al.php>.

³⁹ Paul Atagamen Aidonojie et al., "Constitutional and Legislative Frameworks for Green and Sustainable Environmental Governance in Uganda," *International Journal of Constitutional and Administrative Law* 1, no. 1 (2025): 1–20, <https://ijcal.profesionallegal.com/index.php/ijcal/article/view/1/1>.

⁴⁰ Peter Oniemola and Oyinkan Tasie, "Engendering Constitutional Realization of Sustainable Development in Nigeria," *Law and Development Review* 13, no. 1 (February 25, 2020): 159–91, <https://doi.org/10.1515/ldr-2018-0079>.

environmental management and hence makes provisions for it. The public trust doctrine, as previously explained, empowers the State as trustee of the environment to improve and protect the air, land, water, forests, and wildlife of Nigeria.⁴¹ Section 20 specifically mandates the State to “protect and improve the environment, and safeguard the water, air, and land, forest, and wildlife of Nigeria”.⁴² Chapter II of the Constitution, which outlines the non-justiciable fundamental objectives and directive principles of State Policy, has one key objective, which is to ensure a safe and improved living environment for the citizenry. Based on this objective, all state, corporate, or individual activities, even those designed to contribute to economic growth, must be executed with Section 20 of the Constitution as its reference point. Section 17(2)(d) also explicitly proscribes the plethoric use of natural resources and other environmental elements, intentionally highlighting their significance to society.⁴³

However, although Section 20 appears to be a fundamental legal provision with regard to Nigerian environmental law, it is still interpreted as a non-justiciable right, meaning that in most instances, this section of the Constitution often lacks judicial enforcement.⁴⁴ This legal intricacy has made it immensely difficult for people pursuing justice for environmental harms to judicially ensure the enforcement of their rights. A notable example is the case, *NNPC v Fawehinmi*, where the Nigerian Supreme Court’s judgment maintained that the provisions of Chapter II of the Constitution are unenforceable on all counts and that they are nothing but simple expressions of governmental ambition. These provisions are simply intended to serve as a yardstick for the aspirations of the government as they carry out their responsibilities of governance and national development.⁴⁵ The chapter II of the constitution, especially the provision as mentioned above, has been a subject of controversy and litigation.

So, the case of *Jonah Gbemre v SPDC* represented a minor shift in normative jurisprudence. Viewing section 20 of the Constitution through the lens of the African Charter on Human and Peoples Rights (ACHPRs) rendered the section’s

⁴¹ Empire Hechime Nyekwere et al., “Constitutional and Judicial Interpretation of Environmental Laws in Nigeria, India and Canada,” *Lex Scientia Law Review* 7, no. 2 (November 14, 2023): 905–58, <https://doi.org/10.15294/lesrev.v7i2.69394>.

⁴² Alexander Chinago Budnukaeku, “Environmental Laws and Management Agencies in Nigeria– What Hope for Desecrated Landscape,” *Biodiversity International Journal* 5, no. 1 (February 25, 2021): 1–6, <https://doi.org/10.15406/bij.2021.05.00190>.

⁴³ Kaniye S.A. Ebeku, “Constitutional Right to a Healthy Environment and Human Rights Approaches to Environmental Protection in Nigeria: *Gbemre v. Shell* Revisited,” *Review of European Community & International Environmental Law* 16, no. 3 (December 15, 2007): 312–20, <https://doi.org/10.1111/j.1467-9388.2007.00570.x>.

⁴⁴ Theodore Okonkwo, “Ownership and Control of Natural Resources under the Nigerian Constitution 1999 and Its Implications for Environmental Law and Practice,” *International Law Research* 6, no. 1 (October 30, 2017): 162, <https://doi.org/10.5539/ilr.v6n1p162>.

⁴⁵ Emmanuel E. Okon, “The Legal Status of Sustainable Development in the Nigerian Environmental Law,” *Journal of Sustainable Development Law and Policy (The)* 7, no. 2 (November 29, 2016): 104, <https://doi.org/10.4314/jsdlp.v7i2.6>.

non-justiciability status expressly incongruous with modern legal realities. The Federal High Court maintained that the gas flaring activities of SPDC was a gross violation of the complainant's right to live amicably in a healthy environment, as provided by Article 24 of the African Charter and the constitutionally assured right to life and dignity of persons provided for in sections 33 and 34 of the Constitution of The Federal Republic of Nigeria.⁴⁶ The Court eventually issued an order for SPDC to cease all its gas flaring activities in the complainant's community, accentuating that the rights to life and dignity of persons invariably encompass the rights to an unpolluted,⁴⁷ toxin-free environment, and that the gas flaring activities of the defendants contributed to the destruction of the complainant's environment, thus violating his fundamental rights.⁴⁸

2) *Environmental Legislation*

Legislation is incontestably crucial to policy-making and execution.⁴⁹ With regards to environmental management, they are potent tools employed in the broader campaign against discrepant catalysts of environmental harm. In Nigeria, several crucial legislations, acts, or statutes have been instituted to ensure sustainable environmental management in the country and across various sectors.⁵⁰

a) *Environmental Impact Assessment Act, 1992*

This EIA Act is one of the most important legislation within Nigeria's legal framework. The Act mandates that any major project likely to affect the environment undergo a rigorous assessment process before approval is granted.⁵¹ The Environmental Impact Assessment process aims to predict potential environmental harm, encourage public participation, and ensure that environmental considerations are factored into decision-making processes that may have significant environmental impacts. Nwoko pointed out that, prior to the enactment of the EIA Act in Nigeria, project appraisals were largely limited to feasibility studies and economic-cost benefit analysis, which did not consider environmental costs, public sentiment, and social

⁴⁶ Uzuazo Etemire, "Public Access to Environmental Information: A Comparative Analysis of Nigerian Legislation with International Best Practice," *Transnational Environmental Law* 3, no. 1 (April 28, 2014): 149–72, <https://doi.org/10.1017/S2047102513000575>.

⁴⁷ Jasper Krommendijk and Dirk Sanderink, "The Role of Fundamental Rights in the Environmental Case Law of the CJEU," *European Law Open* 2, no. 3 (September 17, 2023): 616–35, <https://doi.org/10.1017/elo.2023.30>.

⁴⁸ Nicolas de Sadeleer, "Enforcing EUCHR Principles and Fundamental Rights in Environmental Cases," *Nordic Journal of International Law* 81, no. 1 (2012): 39–74, <https://doi.org/10.1163/157181011X618758>.

⁴⁹ Muwaffiq Jufri et al., "Standardisation of the Legislation as a Follow-Up to the Constitutional Court's Decision on Judicial Review of Omnibus Law," *Jurnal Konstitusi* 21, no. 3 (September 1, 2024): 366–91, <https://doi.org/10.31078/jk2132>.

⁵⁰ Jonathan Awewomom et al., "Addressing Global Environmental Pollution Using Environmental Control Techniques: A Focus on Environmental Policy and Preventive Environmental Management," *Discover Environment* 2, no. 1 (February 6, 2024): 8, <https://doi.org/10.1007/s44274-024-00033-5>.

⁵¹ Chris O Nwoko and Chris O Nwoko, "Evaluation of Environmental Impact Assessment System in Nigeria," *Greener Journal of Environmental Management and Public Safety* 2, no. 1 (2013): 22–31, <https://www.gjournals.org/2013/01/22/evaluation-of-environmental-impact-assessment-system-in-nigeria/>.

and environmental impacts.⁵² Nevertheless, this changed with the introduction of the EIA Act, as all proposed projects in Nigeria are now expected to comply with its provisions. Sections 3 and 4 outline the primary process of undergoing an Environmental Impact Assessment, listing out all requirements, while preceding sections highlight the objectives of the Act itself.⁵³

b) Harmful Waste (Special Criminal Provisions, Etc) Act, 1988

The enactment of this Act was spurred by the tragic events in present-day Delta State in 1988. Toxic wastes were illegally dumped at the Koko Port, resulting in massive environmental damage and severe cases of illness and death. It helped provide the legal framework for the effective regulation of toxic waste disposal in Nigeria.⁵⁴

Sections 1 and 2 of the Act explicitly state that handling, carrying, storing, or disposing of hazardous waste by any individual or corporate entity is considered a serious offence. Section 6 provides that this is punishable by life imprisonment for individuals. Section 7 explicitly addresses environmental damage caused by a corporate body, stipulating that anyone acting in the roles of director, manager, or high-ranking officer shall be considered guilty of the crime and liable to punishment accordingly.⁵⁵

c) Petroleum Industry Act, 2021

The Petroleum Industry Act (PIA) is a principal legislation in the Nigerian petroleum industry. The Act makes significant provisions for the environmental regulation of oil and gas operations in Nigeria. It established a platform for effective environmental governance, regulatory, legal, and fiscal mechanisms to ensure the smooth operation of the industry in addition to the growth and protection of communities where the Petroleum is explored (Ede 2021). The established the Nigerian Upstream Petroleum Regulatory Commission as a regulatory body that ensures compliance with environmental regulations. It is also empowered to grant approvals to Environmental Management Plans, ensuring that these plans are in line with regulations and previous plans. The Act in ensuring environmental management provides in Section 102(1) requires firms who has a licence or are lease holder, engaging in upstream and midstream petroleum operations, to submit for approval, within six months after they are granted a license or a lease for projects, an environmental management plan in respect of projects requiring Environmental

⁵² Innocent Chigozie Osuizugbo and Chinedu Valerie Nnodu, “Barriers to Environmental Impact Assessment Implementation for Construction Projects in Nigeria,” *Built Environment Project and Asset Management* 13, no. 5 (August 9, 2023): 719–37, <https://doi.org/10.1108/BEPAM-12-2022-0203>.

⁵³ Gabriel Gbenga Babaniyi, Ulelu Jessica Akor, and Joshua Ibukun Adebomi, “Legislation and Programs Supporting Environmental Protection,” in *Prospects for Soil Regeneration and Its Impact on Environmental Protection* (Cham: Springer Cham, 2024), 3–14, https://doi.org/10.1007/978-3-031-53270-2_1.

⁵⁴ V. Adefemi Isumonah, “Armed Society in the Niger Delta,” *Armed Forces & Society* 39, no. 2 (April 8, 2013): 331–58, <https://doi.org/10.1177/0095327X124446925>.

⁵⁵ Anyogu and Nyekwere, “Appraisal of the Legal and Institutional Framework for Sustainable Environmental Management in Nigeria.”

Impact Assessment (EIA). It is the duty of the Nigerian Upstream Petroleum Regulatory Commission or Nigerian Midstream and Downstream Petroleum Regulatory Authority to give approvals for Environmental Management Plans only if they align significantly with pertinent environmental statutes and show that the applicant has the ability to manage environmental impacts. The Act stresses the significance of Environmental Impact Assessment to determine the likely environmental effects of oil and gas ventures.

The PIA also in Section 104 provides for regulations that focus on conformity with waste management regulations, ensuring that control of greenhouse gas emissions is practiced, and that hazardous waste is managed properly. It prescribes punishment and penalties for not following environmental rules. The PIA provides that a licence or lease holder who engages in gas flaring or who vents natural gas commits an offence and, upon conviction, is liable to pay a fine. Although exceptions are provided in the case of an emergency or where an exception has been granted, or under acceptable safety practice under established regulations.⁵⁶

The Act grants petroleum regulatory agencies the authority necessary for enforcing environmental laws and policies. They are also responsible for issuing guidelines and standards to all parties in the industry.⁵⁷ Essentially, the Act ensures that operators in the Nigerian petroleum industry conduct their business in an environmentally friendly manner.

d) National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, 2007

This Act primarily facilitated the establishment of the National Environmental Standards and Regulations Enforcement Agency. This agency is Nigeria's foremost environmental management organisation.⁵⁸ Sections 1, 2, and 3 establishes the purpose and objectives of the Agency, while sections 7 and 8 explain the Agency's functions relating to enforcement, monitoring and coordination of relevant stakeholders.⁵⁹ Suleiman et al. suggest that the Act and the effectiveness of its concomitant agency could be bolstered by increased media coverage, sensitisation,

⁵⁶ Momodu Kassim-Momodu, "Exercise of Ministerial Powers under Nigeria's Petroleum Industry Act," *Journal of Energy & Natural Resources Law* 41, no. 1 (January 2, 2023): 105–15, <https://doi.org/10.1080/02646811.2022.2051922>.

⁵⁷ Paul Atagamen Aidonojie et al., "Legal Implications of Nanobiosensors Concerning Environmental Monitoring," in *Nanobiosensors for Environmental Monitoring* (Cham: Springer International Publishing, 2022), 439–58, https://doi.org/10.1007/978-3-031-16106-3_21.

⁵⁸ Ambisisi Ambituuni, Jaime Amezcaga, and Engobo Emeseh, "Analysis of Safety and Environmental Regulations for Downstream Petroleum Industry Operations in Nigeria: Problems and Prospects," *Environmental Development* 9 (January 2014): 43–60, <https://doi.org/10.1016/j.envdev.2013.12.002>.

⁵⁹ Okhumode Yakubu, "Addressing Environmental Health Problems in Ogoniland through Implementation of United Nations Environment Program Recommendations: Environmental Management Strategies," *Environments* 4, no. 2 (March 30, 2017): 28, <https://doi.org/10.3390/environments4020028>.

and cooperation from the public. They also argue for improved information collection and enforcement of the Act's provisions.⁶⁰

Institutional Framework for Sustainable Environmental Management in Nigeria

Environmental management in Nigeria is executed through a combination of federal, state, and local institutions. At the top is the Federal Ministry of Environment.⁶¹ Established in 1999, the Ministry is responsible for formulating national policies, guidelines, and programs related to the environment. It plays a supervisory role over other environmental agencies and coordinates Nigeria's engagement with international environmental bodies. There are numerous agencies tasked with the responsibility of ensuring environmental security; however, some are seemingly more prominent than others

1) National Environmental Standards and Regulations Enforcement Agency (NESREA)

In 2007, the Government of Nigeria established the National Environmental Standards and Regulations Enforcement Agency (NESREA), to serve as the foremost environmental law enforcement agency in Nigeria. The agency is a body corporate, with perpetual succession and a seal. It can sue and be sued in its name. NESREA has the responsibility of ensuring compliance with environmental laws, investigating violations, and initiating prosecution where necessary.⁶² The agency manages the environment to ensure it is cleaner and healthier for Nigerians. It functions under the Federal Ministry of Environment with the responsibility of enforcing environmental laws, policies, standards and regulations,⁶³ in collaboration with both local and international stakeholders on environmental issues.⁶⁴ The Agency is responsible for protecting the environment, conserving biodiversity, and promoting the sustainable development of Nigeria's natural resources, including environmental technologies.

⁶⁰ Suleiman Romoke Monsurat, Raimi Morufu Olalekan, and Sawyerr Henry Olawale, "A Deep Dive into the Review of National Environmental Standards and Regulations Enforcement Agency (NESREA) Act," *International Research Journal of Applied Sciences* 1, no. 4 (2019): 108–25, <https://scirange.com/abstract/irjas.2019.108>.

⁶¹ Osikemekha A. Anani and Maulin P. Shah, *Emergent Pollutants in Freshwater Plankton Communities* (Boca Raton: CRC Press, 2024), <https://doi.org/10.1201/9781003362975>.

⁶² Suleiman Romoke Monsurat, Morufu Olalekan Raimi, and Henry Olawale Sawyerr, "A Deep Dive into the Review of National Environmental Standards and Regulations Enforcement Agency (NESREA) Act Public Health View Project Climate Change and Human Health View Project," *Article in Research Journal of Applied Sciences* 01, no. 04 (2019).

⁶³ V Agbazue, E K Ani, and B U Ngang, "The Role of Nesrea Act 2007 in Ensuring Environmental Awareness and Compliance in Nigeria," *IOSR Journal of Applied Chemistry (IOSR-JAC)* 10, no. 9 (2017): 32–37, <https://doi.org/10.9790/5736-1009033237>.

⁶⁴ Esther Christine Kisubi et al., "Utilitarianism in Uganda's Oil and Gas Sector: Balancing Utility and Responsibility for Environmental Justice," *Kampala International University Law Journal* 6, no. 1 (2024): 190–207, <https://doi.org/10.59568/kiulj-2024-6-1-09>.

NESREA in performing its functions⁶⁵ shall have the power to coordinate and liaise with stakeholders, within and outside Nigeria in enforcing compliance with laws, policies, guidelines and standards on environmental law.⁶⁶ The Agency shall also enforce compliance with the provisions of international regulations, rules, agreements, and conventions on the environment, including matters of climate change, biodiversity, water quality, environmental health and sanitation, conservation, desertification, forestry, oil and gas, chemicals, hazardous wastes, ozone depletion, marine and wild life, pollution, sanitation and such other environmental agreements as may from time to time come into force.⁶⁷ NESREA also has the function enforcing compliance with regulations on the importation, exportation, production, distribution, storage, sale, use, handling and disposal of hazardous chemicals and waste other than in the oil and gas sector; enforcing through compliance monitoring, the environmental regulations and standards on noise, air, land, seas, oceans, and other water bodies other than in the oil and gas sector; enforcing environment control measures through registration, licensing and permitting system other than in the oil and gas sector.⁶⁸ In general, NESREA is responsible for enforcing compliance with guidelines and legislation related to the sustainable management of ecosystems, biodiversity conservation, and the development of Nigeria's natural resources.⁶⁹

To ensure compliance with the provisions of the NESREA Act and to enable the Agency to perform its functions diligently, section 8 of the Act provides that officials of the Agency has power to compel and conduct public investigations on pollution and the degradation of natural resources, except investigations on oil spillage and to submit for the approval of the Minister, proposals for the evolution and review of existing guidelines, regulations and standards on environment.

2) *National Oil Spill Detection and Response Agency (NOSDRA)*

NOSDRA was established in 2006 as a key institution in Nigeria, under the Federal Ministry of Environment, with the core responsibility of coordinating the implementation of the National Oil Spill Contingency Plan (NOSCP) which also incorporates the National Oil Spill Contingency System (NOSCS) for Nigeria, in

⁶⁵ Agbazue, Ani, and Ngang, "The Role of Nesrea Act 2007 in Ensuring Environmental Awareness and Compliance in Nigeria."

⁶⁶ Kingsley Osinachi N. Onu and Ngozi Chinwa Ole, "Impacts of Covid-19 Pandemic on NDC Implementation Action Plan for the Agricultural Sector in Nigeria," *Kampala International University Law Journal* 6, no. 1b (2024): 278–98, <https://doi.org/10.59568/kiulj-2024-6-1-13>.

⁶⁷ Olariyike D. Akintoye, "Observing Corporate Governance Ethical Best Practices of Privacy and Data Protection in the COVID-19 Era in Nigeria," *KIU Law Journal* 4, no. 1 (2022), <https://kiulj.kiu.ac.ug/article-view.php?i=61&t=observing-corporate-governance-ethical-best-practices-of-privacy-and-data-protection-in-the-covid-19-era-in-nigeria>.

⁶⁸ Ambituuni, Amezaga, and Emeseh, "Analysis of Safety and Environmental Regulations for Downstream Petroleum Industry Operations in Nigeria: Problems and Prospects."

⁶⁹ Olanrewaju Aladeitan and Chidinma Therese Odaghara, "Environmentalism and an International Court for the Environment," *KIU Law Journal* 2, no. 1 (2018), <https://kiulj.kiu.ac.ug/article-view.php?i=36&t=environmentalism-and-an-international-court-for-the-environment>.

compliance with the International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC 1990).⁷⁰ Given the economic significance of oil to Nigeria and the environmental devastation associated with oil exploration, NOSDRA's role is crucial.⁷¹ As part of its objectives as provided in the Act, the agency is tasked with coordinating and implementing the National Oil Spill Contingency Plan for Nigeria which involves the provision of a safe, timely, effective and appropriate response to major or disastrous oil pollution; identifying high-risk areas as well as priority areas for protection and clean up; establish the mechanism to monitor and assist or where expedient direct the response, including the capability to mobilise the necessary resources to save lives, protect threatened environment, and clean up to the best practical extent of the impacted site; etc.⁷²

Additionally, as outlined in Section 6 of the NOSDRA Act, the agency shall be responsible for surveillance and ensuring compliance with all existing environmental legislation, as well as detecting oil spills in the petroleum sector. It shall also receive reports of oil spillages and coordinate oil spill response activities throughout Nigeria. The agency shall also coordinate the implementation of the Plan as may be formulated, from time to time, by the Federal Government; and perform such other functions as may be required to achieve the aims and objectives of the Agency under the Act or any plan as may be formulated by the Federal Government. In pursuance of the Act, NOSDRA can impose penalties on an oil spiller for failing to report an oil spill incident within 24 hours and for failing to clean up the polluted site to a reasonable extent.⁷³

As part of its special functions outlined in Section 7 of the Act, NOSDRA promotes Regional Cooperation and Collaboration among Member-States of West, Central, and Southern Africa, including those in the Gulf of Guinea. The Agency has also widened and deepened working relationships with key international stakeholders in oil spill response, including the United Kingdom (UK)–based Oil Spill Response Ltd (OSRL), International Maritime Organization (IMO), International Petroleum Industry Environmental Conservation Association (IPIECA) and Global Initiative for West, Central and Southern Africa (GI-WACAF).

⁷⁰ Eucharia Oluchi Nwaichi and Justice Obinna Osuoha, "Has the National Policy on Environmental Pollution Control in Nigeria Been Neglected in the Niger Delta Region? An Update," *Environment, Development and Sustainability* 24, no. 11 (November 19, 2022): 12494–517, <https://doi.org/10.1007/s10668-021-01973-1>.

⁷¹ Ayobami Olaniyan, "The Multi-Agency Response Approach to the Management of Oil Spill Incidents: Legal Framework for Effective Implementation in Nigeria," *Journal of Sustainable Development Law and Policy (The)* 6, no. 1 (January 13, 2016): 109, <https://doi.org/10.4314/jsdlp.v6i1.5>.

⁷² Majebi Samuel Amune, "Assessing the Effectiveness of Nigeria's Legal Framework in Controlling Oil and Gas Pollution: Challenges and Recommendations," *Scholars International Journal of Law, Crime and Justice* 8, no. 01 (January 20, 2025): 1–12, <https://doi.org/10.36348/sijlcj.2025.v08i01.001>.

⁷³ Valentine T. Mbeli, "An Analysis of the Legal Framework for Sustainable Fisheries' Financing in Uganda," *KIU Law Journal* 3, no. 2 (2019): 1–22, <https://kiulj.kiu.ac.ug/article-view.php?i=13&t=an-analysis-of-the-legal-framework-for-sustainable-fisheries-â€™-financing-in-uganda>.

3) *Forestry Research Institute of Nigeria (FRIN)*

Initially established in 1954 as the Federal Department of Forestry Research and later changed into the status of an institute under the supervision of the Federal Ministry of Environment, the forestry research institute of Nigeria is a government and statutorily established institute which has the duty studying the application of scientific knowledge and techniques to manage and conserve forest resources in a way that meets the needs of present and future generations. Their research focus includes areas such as sustainable forest management practices, biodiversity conservation, climate change mitigation and adaptation, and the socio-economic benefits of forests in Nigeria.

Section 1 of the Forestry Research Institute of Nigeria (Establishment) Act of 2018 provides for the creation of the Forestry Research Institute, which will be a body corporate capable of suing and being sued. The functions are also listed in Section 2 of the Act, some include: a) Researching, experimentation, sample application and patenting; b) Forestry education and training through its National and Higher National Diploma awarding tertiary institutions; c) Innovation and technology dissemination through farming systems and extension services

4) *Nigerian Upstream Regulatory Commission (NURC)*

The NURC was established in 2021 following the passage and implementation of the Petroleum Industry Act (PIA), The NURC perform the functions of the defunct Department of Petroleum Resources (DPR).⁷⁴ The agency is mandated to manage the environment in compliance with the provisions of the PIA 2021.⁷⁵ Part of the objectives of NURC is the promotion of a healthy, safe, efficient and effective conduct of upstream petroleum operations in an environmentally acceptable and sustainable manner. The agency is also expected to ensure the strict implementation of environmental policies, laws and regulations for upstream petroleum operations; and enforce health safety and environmental regulations in the oil and gas industry and ensuring that those operations conform to national and international best oil field standards and practices.⁷⁶

As part of its special duties, the NURC is empowered to approve an environmental management plan (EMP) in respect of projects which require environmental impact assessment, only where such EMP complies with relevant Environmental Acts and the applicant has the capacity or has provided for the

⁷⁴ Victor Azubike and Akinwale Awe, “Nigeria’s New National Oil Company and the Significant Role of Democratic Institutions in Determining Its Success,” *Global Energy Law and Sustainability* 5, no. 2 (August 2024): 198–232, <https://doi.org/10.3366/gels.2024.0124>.

⁷⁵ Moses Jolaoso, “The Petroleum Industry Act 2021: The Long-Lasting Solution to the Challenges Bedeviling the Nigerian Petroleum Industry,” *SSRN Electronic Journal*, 2023, <https://doi.org/10.2139/ssrn.4616660>.

⁷⁶ Anyogu and Nyekwere, “Appraisal of the Legal and Institutional Framework for Sustainable Environmental Management in Nigeria.”

capacity to rehabilitate and manage negative impacts on the environment.⁷⁷ In general, the NURC in maintaining records on upstream petroleum operations, particularly on issues relating to petroleum reserves, production/exports, licences and leases, ensures that Health Safety and environmental regulations, rules, principles and guidelines, conform with both national and international best oil field practice.

Nigeria's institutional framework for environmental management also includes specialised bodies like the National Parks Service, Niger Delta Development Commission (NDDC), National Water Resources Institute (NWRI), National Emergency Management Agency (NEMA), all of which are sector-specific environmental mandates.⁷⁸ Additionally, collaboration exists with civil society organisations and international partners, particularly on projects related to conservation, climate change mitigation, and public education.

Sustainability of Environmental Management through Legal and Institutional Framework

Sustainable Environmental Management has become a vital global objective. Initiatives like the United Nations' Sustainable Development Goals (SDGs) further reinforce this idea on a global scale.⁷⁹ These goals, which seek to address issues such as poverty, climate change, environmental degradation, and justice, have shaped international policies, practices and jurisprudence.⁸⁰ Olujobi points out that Goals 6, 7, 11, 12, 13, 14, 15, and 17 of the SDGs, particularly focus on achieving a high level of effective resource management and environmental preservation universally.⁸¹ Nigeria must remain committed to these international initiatives to further establish the notion of environmental sustainability within its borders, at least in the perception of its citizens. Strong legal and institutional frameworks are indispensable for achieving sustainability, as they provide the formal structures through which environmental objectives are designed, implemented, evaluated, and monitored. Without an organised set of laws and capable institutions, sustainable development remains an abstract idea, a superfluous ambition, rather than an attainable goal.

On one end, the legal framework sets the benchmarks for environmental conduct, outlines acceptable practices, establishes prohibitions, sets penalties for

⁷⁷ Ngozi Chinwa Ole and Etti Best Herbert, "The Nigerian Offshore Oil Risk Governance Regime: Does the Petroleum Industry Act 2021 Address the Existing Gaps?," *Studia Iuridica Lublinensia* 31, no. 3 (September 28, 2022): 143–63, <https://doi.org/10.17951/sil.2022.31.3.143-163>.

⁷⁸ Olujobi, Irumekhai, and Aina-Pelemo, "Sustainable Development and National Integration: A Catalyst for Enhancing Environmental Law Compliance in Nigeria."

⁷⁹ Omozue Moses Ogorugba, Ejiro Tessy Kore-Okiti, and Emmanuel Okwuokei, "Assessing the Right to Sustainable Environmental Development in Nigeria," *International Research Journal of Multidisciplinary Scope* 05, no. 03 (2024): 865–78, <https://doi.org/10.47857/irjms.2024.v05i03.0811>.

⁸⁰ Sabrina Della Santa Navarrete, Felipe Mendes Borini, and Ilan Avrichir, "Environmental Upgrading and the United Nations Sustainable Development Goals," *Journal of Cleaner Production* 264 (August 2020): 121563, <https://doi.org/10.1016/j.jclepro.2020.121563>.

⁸¹ Olujobi, Irumekhai, and Aina-Pelemo, "Sustainable Development and National Integration: A Catalyst for Enhancing Environmental Law Compliance in Nigeria."

violations, and creates rights and obligations—ultimately integrating environmental considerations with economic and social development.⁸² At the other end, institutional bodies such as NESREA, the Federal Ministry of Environment, and NOSDRA execute the law by monitoring compliance, enforcing standards, and providing expert advice to the government and industry. They serve as the operational arms that translate legal setups into action. The presence of environmental institutions at the state and local levels also ensures that sustainability is pursued across different tiers of governance, albeit with disparate degrees of effectiveness.

However, the link between the framework and sustainability outcomes is affected by several factors. First, effective enforcement is critical. Laws and regulations must not only exist; they must be backed by credible monitoring mechanisms and impactful sanctions for non-compliance. Additionally, institutions must also possess the necessary technical expertise, financial resources, and political willpower to act decisively. Public participation is equally important, as sustainability cannot be achieved without the active involvement of the citizenry in decision-making and policy execution. The frameworks must also be adaptable. Environmental challenges evolve over time, often influenced by technological change, economic shifts, and climate volatility. Laws and institutions that find it difficult to adapt, risk becoming expendable in the face of emerging threats such as e-waste proliferation, novel industrial pollutants, and the impacts of global climate change.⁸³ Yusuf is of the opinion that globalisation and urbanisation are occurring at a very fast pace and that Nigeria, along with its state and local governments, needs to be proactive in defending its environment from these changes. He asserts that not only are we dealing with regional climate change issues, but these could also be amplified by climate disasters and events that have occurred in other countries.⁸⁴

Nigeria's legal and institutional frameworks have the potential to foster sustainable environmental management, at least, in principle. Nevertheless, the extent to which sustainability becomes actualised depends on how these structures are utilised, reformed, and bolstered to meet current and future challenges.

Challenges to Sustainable Environmental Management in Nigeria

Despite the existence of several legal and institutional frameworks for the sustainable management of the environment, Nigeria continues to face numerous challenges in achieving sustainable environmental management. These challenges are

⁸² S. Gozie Ogbodo, "The Paradox of the Concept of Sustainable Development under Nigeria's Environmental Law," *Journal of Sustainable Development* 3, no. 3 (August 19, 2010), <https://doi.org/10.5539/jsd.v3n3p201>.

⁸³ A Taiwo, "Waste Management Towards Sustainable Development in Nigeria: A Case Study of Lagos State," *International NGO Journal* 4, no. 4 (2009): 173–79, <https://internationalscholarsjournals.org/articles/6174658220112013>.

⁸⁴ Olanrewaju Lateef Yusuf, "Institutional and Compliance Frameworks and the Challenges of Environmental Awareness and Management in Lagos State, Nigeria" (University of Ibadan, 2019), 114–15, <http://repository.pgcollege.ui.edu.ng:8080/xmlui/handle/123456789/821>.

multifaceted and deep-rooted, cutting across legal, institutional, economic, and even socio-cultural areas of life. However, the legal frameworks and established environmental institutions face their own peculiar challenges. Let's examine them briefly.

1) *Enforcement of Environmental Laws*

One of the significant environmental management challenges in Nigeria is weak enforcement of environmental laws. Although most environmental legislation are comprehensive on paper, enforcement systems seem disjointed, as they are often ineffective.⁸⁵ The mere existence of environmental laws and rules does not naturally guarantee that they will be enforced. For instance, despite the availability of numerous environmental regulations and institutions to monitor and enforces those laws, environmental pollution caused by corporate activities remains unabated due to the weaknesses and ineffectiveness of the regulators and institutions.⁸⁶ This is perhaps why there is hardly any known case of judicial prosecution or sanctions of many polluters by government agencies, even when the Acts establishing some them gives them the power to prosecute or sanctions directly or to investigate, assess penalties and them forward the formal prosecution of criminal offenses related to environmental degradation to other agencies like the Ministry of Justice or police.⁸⁷ Hence, pollution incidents occurs (unchallenged) almost on daily basis in communities like Ozoro, Uzere, Irri amongst others in Delta State, Sagbama, Peremabiri amongst others in Bayelsa State and Ineh/Aku in Abia State of Nigeria. Although these agencies, in whatever name, formulated stringent regulations, they lack enforcement power and operate as toothless bulldogs.⁸⁸ The overall failure of responsible agencies to protect the environment by enforcing relevant regulations and laws has long left the public with no option but to pursue these cases on their own or through public interest organisations.⁸⁹

2) *Corruption*

Corruption within institutions established and empowered to protect and sustainably manage the environment is another notable impediment. It exists in different forms and at different levels of government and the corporate world. 2024 Nigeria's score on the 'Transparency International Corruption Perceptions Index

⁸⁵ Ogorugba, Kore-Okiti, and Okwuokei, "Assessing the Right to Sustainable Environmental Development in Nigeria."

⁸⁶ Peter Onuh et al., "Challenges and Opportunities in Nigeria's Renewable Energy Policy and Legislation," *World Journal of Advanced Research and Reviews* 23, no. 2 (August 30, 2024): 2354–72, <https://doi.org/10.30574/wjarr.2024.23.2.2391>.

⁸⁷ Joseph Nwazi, "An Evaluation of Environmental Criminal Liability and Enforcement in Nigeria," *African Journal of International and Comparative Law* 30, no. 3 (August 2022): 323–43, <https://doi.org/10.3366/ajicl.2022.0412>.

⁸⁸ Mercy O Erhun, "A Sustainable Approach to Economic Development in Nigeria: A Legal Perspective," *Journal of Economics and Sustainable Development* 6, no. 14 (2015): 1–6, <https://www.iiste.org/Journals/index.php/JEDS/article/view/24417>.

⁸⁹ Hakeem Ijaiya and O. T. Joseph, "Rethinking Environmental Law Enforcement in Nigeria," *Beijing Law Review* 05, no. 04 (2014): 306–21, <https://doi.org/10.4236/blr.2014.54029>.

(CPI) was 25 out of 100.⁹⁰ This indicates a perception of significant corruption in the country's public sector.⁹¹ The menace of corruption sometimes enables weak enforcement of environmental regulations or mitigate its stringent measures or punishments. Environmental inspections can be manipulated, fines can be negotiated informally by the staff of an agency, and vital reports can be altered.⁹² For instance, due to several concerns of corruption against NESREA and in acknowledgement of the detrimental impact of corruption on the operations of NESREA, the Independent Corrupt Practices and Other Related Offences Commission (ICPC), in collaboration with the Head of the Civil Service, established the Anti-Corruption and Transparency Unit (ACTU) within NESREA to address operational lapses and prevent corruption.⁹³ The judiciary, too, has come under scrutiny, particularly in environmental cases involving local communities and multinational corporations. In certain cases, judges and the broader judiciary system have not responded adequately, particularly when it comes to the effects of corporate operations on local communities in the oil-producing region. Similar circumstances are described by Salako,⁹⁴ where MNCs have "purchased" their way through their financial might. The 2011 Shell case involving the Ogoni community illustrates how widespread corruption has become in Nigeria, impacting not only regulators but also the judiciary. Corruption not only threatens the integrity of Nigerian institutions but also hinders the country's long-term sustainable development.⁹⁵

3) *Lack of Awareness/Public Participation*

Many Nigerians are unaware of their environmental rights and responsibilities under the numerous environmental laws. They are unaware of the existence of certain environmental institutions and the roles they play in environmental management. Environmental issues are often perceived as secondary to more pressing concerns, such as employment and security.⁹⁶ This lack of awareness limits community participation in environmental governance and advocacy, making it

⁹⁰ Sule Matinja, Ladi, Hoshen Eugene, Daniel, and Abdulrahman Umar, "Corruption as a Barrier to Effective Governance in Key Sectors of Nigeria," *International Journal of Research and Innovation in Social Science* 9, no. 4 (2025): 4953–69, <https://doi.org/10.47772/IJRISS.2025.90400356>.

⁹¹ Simeon A. Igbiniedion and Anthony Osobase, "Grand Corruption in the Global South: Legal, Political and Economic Analysis of Assets Recovery in Nigeria," *Journal of Economic Criminology* 9 (September 2025): 100164, <https://doi.org/10.1016/j.jeconc.2025.100164>.

⁹² Onyenekenwa Cyprian Eneh, "Managing Nigeria's Environment: The Unresolved Issues," *Journal of Environmental Science and Technology* 4, no. 3 (April 15, 2011): 250–63, <https://doi.org/10.3923/jest.2011.250.263>.

⁹³ Ejiroghene Augustine Oghuvbu, "An Evaluation of Public Policy Failure and Corruption in Nigeria: A Study of NigerDelta Development Commission (NDDC)," *Journal of Governance* 10, no. 1 (March 14, 2025), <https://doi.org/10.31506/jog.v10i1.29262>.

⁹⁴ Solomon E. Salako, "Transnational Corporations, Natural Resources and Conflict," *International Law Research* 9, no. 1 (July 3, 2020): 56, <https://doi.org/10.5539/ilr.v9n1p56>.

⁹⁵ Abdurafiu Olaiya Noah et al., "Corporate Environmental Accountability in Nigeria: An Example of Regulatory Failure and Regulatory Capture," *Journal of Accounting in Emerging Economies* 11, no. 1 (September 10, 2020): 70–93, <https://doi.org/10.1108/JAEE-02-2019-0038>.

⁹⁶ David V. Ogunkan, "Achieving Sustainable Environmental Governance in Nigeria: A Review for Policy Consideration," *Urban Governance* 2, no. 1 (June 2022): 212–20, <https://doi.org/10.1016/j.ugj.2022.04.004>.

difficult to hold government agencies and environmental violators accountable. The United Nations Framework Convention on Climate Change (UNFCCC) requires state parties to promote public awareness and to “encourage the widest participation in this process, including that of non-governmental organisations”.⁹⁷ While some of our environmental legal frameworks do not provide for it, others, like the NESREA Act and the EIA Act,⁹⁸ contains provisions that may be construed as providing loosely for public participation. NESREA Act Specifically mandates the Agency to create public awareness and provide environmental education on sustainable environmental management, and publish general scientific or other data resulting from the performance of its functions.⁹⁹ While the EIA Act contains procedural requirements that support and promote the participatory rights set out in Principle 10 of the Rio Declaration and the African Charter on Human and Peoples’ Rights.¹⁰⁰ But this is seldom carried out. Community engagement, though emphasised in policies, often remains superficial, lacking meaningful involvement in decision-making processes.¹⁰¹ It is argued here that the Nigerian people are important stakeholders in environmental management.

4) *Inadequate Funding*

Another recurring challenge is inadequate funding. Environmental management agencies at all levels are extremely underfunded, limiting their ability to conduct inspections, enforce regulations, and invest in research and public education. Without sufficient resources, even the best-crafted policies cannot be effectively implemented.¹⁰² In January 2025, during a Senate seating, the Senate Committee on Environment canvassed for adequate funding of environmental agencies in Nigeria.¹⁰³ According to the Committee Chairman (Senator Ned Nwoko), the underfunding of environmental agencies is “inhuman” as staff of some of the agencies face salary delays for months due to these financial constraints. In

⁹⁷ Chandra Lal Pandey, “Managing Climate Change: Shifting Roles for NGOs in the Climate Negotiations,” *Environmental Values* 24, no. 6 (December 1, 2015): 799–824, <https://doi.org/10.3197/096327115X14420732702734>.

⁹⁸ Monsurat, Raimi, and Olawale Sawyerr, “A Deep Dive into the Review of National Environmental Standards and Regulations Enforcement Agency (NESREA) Act Public Health View Project Climate Change and Human Health View Project.”

⁹⁹ Muhammed Tawfiq Ladan, “Achieving Sustainable Development Goals Through Effective Domestic Laws and Policies on Environment and Climate Change,” *Environmental Policy and Law* 48, no. 1 (April 2, 2018): 42–63, <https://doi.org/10.3233/EPL-180049>.

¹⁰⁰ Thabang Maphanga et al., “The State of Public Participation in the EIA Process and Its Role in South Africa: A Case of Xolobeni,” *South African Geographical Journal* 105, no. 3 (July 3, 2023): 277–305, <https://doi.org/10.1080/03736245.2022.2087726>.

¹⁰¹ Linus O. Nwauzi and Claribel Diebo Fab-Eme, “Re-Examining the Protection of the Environment under the 1999 Constitution,” *Journal of Law, Policy and Globalization* 89 (September 2019): 207–213, <https://doi.org/10.7176/JLPG/89-27>.

¹⁰² Adebayo, Jegede, and Ogundele, “Environmental Laws in Nigeria: Negligence and Compliance on Road Transportation Land Use Planning Pattern in the South-South Geo-Political Zone.”

¹⁰³ Sylvanus Ikechukwu Nwodo et al., “Political Marketing and Democratic Processes in Nigeria: Welfare of Citizens in Perspective,” *Global Journal of Political Science and Administration* 13, no. 2 (February 26, 2025): 12–30, <https://doi.org/10.37745/gjpsa.2013/vol13n21230>.

confirmation, Dr. Yakubu Mohammed Baba, the Registrar of the Environmental Health Council of Nigeria (EHCON), reported that the agency's employees, alongside staff of 13 other professional environmental bodies, have been left out of budgetary allocations and have not been paid since January 1, 2024. This is even as Mahmud Adam Kambari, the Permanent Secretary of the Ministry of Environment, gave assurance that the ministry was making efforts to remedy the issue of low funding in the different environmental agencies and the issue escalated to the Presidency and the National Assembly for appropriate actions. The critical impact of poor funding on public service delivery, especially environmental management in Nigeria, has been strongly highlighted by the Nigerian Senate Committee on Environment. Big companies often take benefit of this limited financial viability and capacity of regulatory and monitoring agencies in influencing the agencies.

5) *Economic Pressures*

Economic pressures is a complicated challenge. For a developing country like Nigeria, balancing environmental protection with economic development is particularly difficult. Activities such as oil exploration, mining, and industrialisation are major revenue sources, yet they are also significant contributors to environmental destruction.¹⁰⁴ The government often faces conflicting incentives, weighing immediate economic gains against long-term environmental sustainability. The prioritisation of economic growth often leads to the neglect of environmental considerations. This is perhaps why most times, the government or any of its agencies often find it difficult to initiate or allow environmental violation cases against these multinational companies in the country, despite the numerous concerns by the citizens. Threats of pulling out of the country from these MNC is a hindrance to the effective enforcement of environmental law in the country. These industries are owned by powerful people and organisations that turn ruthless and intimidating. The Federal Government's meddling in NESREA exclusive functions is one example. In May 2012, NESREA was prohibited by the Federal Government from sealing telecom masts.¹⁰⁵ This pressure can result in regulatory agencies being reluctant to impose stringent measures against polluters, fearing potential repercussions from the companies and the government.

In summary, while Nigeria has the requisite foundational structures for sustainable environmental management, significant systemic and structural challenges persist. Overcoming these barriers requires comprehensive reforms, greater public engagement, and a long-term commitment to environmental management at all levels of government and society.

¹⁰⁴ Raden Bagus Mochammad Ramadhan Razief Hafid, Sahrudin, and Ahmad Farid, "Countermeasures for Environmental Damage Caused by Drilling Water Sources for The Mineral Water Industry," *Journal of Indonesian Constitutional Law* 1, no. 2 (2024): 140–50, <https://doi.org/https://doi.org/10.71239/jicl.v1i2.36>.

¹⁰⁵ Sylvester Chijioke Odoh, "Legal Framework for Environmental Right in Nigeria: Reviewing the Past and Projecting the Future," *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 15, no. 1 (2024): 40–54, <https://www.ajol.info/index.php/naujilj/article/view/269101>.

Conclusion

The legal and institutional frameworks of Nigeria provide a crucial foundation for environmental management, yet they continue to fall short in delivering effective results. Despite legal support systems and provisions combined with the existence of regulatory agencies, environmental deterioration remains an ongoing problem. Legal theory appears to be separated from environmental reality, which is primarily attributed to weak enforcement, inadequate institutional collaboration, political apathy, and various socioeconomic constraints. However, the path forward is still wide open. With deliberate reforms, increased public sensitisation, and more substantial political commitment, the already existing frameworks can be transformed into practical tools for ensuring sustainability. Legal clarity, good organisation, and properly empowered agencies can help realign Nigeria's economic development with environmental responsibility. Sustainability is possible. However, as Nigeria's population increases and the impacts of climate change worsen, the need for a cogent environmental management plan becomes more urgent. A legal and institutional system that protects the environment is not only a matter of necessity, but a guarantee of future stability, health, and prosperity.

To address the challenges undermining sustainable environmental management in Nigeria, a multi-level and coordinated approach is necessary. This research thus proposes the following recommendations. Environmental laws cannot be effective if the institutions that implement them are not. Federal and state environmental agencies must be better equipped with tools, manpower, and financial support to carry out their responsibilities. This also includes regular training and the establishment of proper monitoring and inspection units, especially in well-known environmentally sensitive areas. The current legal framework has several issues, including ambiguous provisions and those that are outdated. There is a need for a form of comprehensive legislative review and reform to ensure that only relevant legislation remain, redundancy is removed, and that they all align with modern-day environmental challenges. All relevant environmental agencies need to collaborate more frequently and effectively. The Federal Ministry of Environment should facilitate this among all federal, state, and local environmental institutions. Clear jurisdictional boundaries and simplified feedback mechanisms can also help reduce replication of responsibility and enhance efficiency.¹⁰⁶

Public participation should be more than a formality. Environmental education campaigns, community workshops, and accessible reportage mechanisms must be created to empower citizens to monitor environmental offences and demand more accountability. The media and civil society also play important roles in this regard. The courts must become more accessible for environmental claims. This may involve reforming certain procedures to allow public interest suits, further easing the strict requirements of litigations, and developing specialised environmental courts or

¹⁰⁶ Antai et al., "Examination of the Efficacy of International Law in Combatting Trans-Border Environmental Crimes."

designated judicial officers trained in environmental law. Incentives should be introduced to reward environmentally responsible businesses. Tax breaks, public recognition, or access to certain contracts could be tied to compliance with environmental standards. Contrarily, stiffer penalties should be imposed on repeat offenders.

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