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LEGAL EFFECTS OF NATURAL RESOURCES EXPLOITATION ON HUMAN AND ENVIRONMENTAL RIGHTS

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Abstract
Our world today has become a global village radically taken over by industrialization and development in every aspect. Although these appear to be steps in the right direction in our quest towards perfection, it is important that steps are also taken to ensure the protection of the rights of humans in this ever-developing world, as failure to do so will put humans and the environment at the risk of a perfect disaster. It is in this regard that there is the development of human and environmental rights. These rights have been protected under various national and international laws, conventions and treaties, all of which are generally aimed at the same objective, which is to set out boundaries and preserve the environment and humanity in the course of environmental exploration and exploitation. Using doctrinal research methodology, this paper examines the legal effects of natural resource exploitation on human and environmental rights, with a focus on the Nigerian context. The research finds that though there are laws protecting human and environmental rights, most of those laws are similar to a toothless bull dog, who only barks but cannot bite. This is because they are non-justiciable, unenforceable, unspecific or too vague, making it difficult for one to institute an action for its enforcement. The paper therefore recommends that Nigeria adopts a rights-based approach to natural resource governance, where human and environmental rights are prioritized alongside economic growth.

Keywords: Legal effects, Natural Resources, Exploitation, Human rights, Environmental rights

1. Introduction
As at today, almost every aspect of the society is regulated by a law or set of laws and the environment is not an exception. This is so because without laws, life will not only be solitary, poor, nasty, brutish and short,[1] but the society will be a total disaster. Environmental problems, notably pollution and climate change, implicate civil, political, economic, social and cultural rights, including the rights to health and water. Procedural rights, such as rights to assembly, expression and information are also critical to environmental protection. To this end, many constitutions and a number of regional rights frameworks incorporate an independent right to an adequate and healthy environment, insisting on the inextricable link between human rights and the environment.[2]

The relationship between natural resource exploitation and human rights violations manifests in various forms across different jurisdictions. Communities may face forced displacement from their ancestral lands, loss of traditional livelihoods, health impacts from pollution, and restricted access to clean water and arable land. Moreover, those who attempt to defend their environmental and human rights often face intimidation, violence, or legal persecution, highlighting the critical intersection between environmental protection and civil liberties.

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[1] Thomas Hobbes, 'Thomas Hobbes: 'Solitary, Poor, Nasty, Brutish, and Short' <https://yalebooksblog.co.uk/2013/04/05/thomas-hobbes-solitary-poor-nasty-brutish-and-short/> accessed 15 August 2025
[2]<https://hrp.law.havard.edu/areas-of-focus/human-rights-the-environment>accessedon15March,2018

This study examines the effects of natural resources exploitation on human and environmental rights. The study aims to identify the scope and nature of legal effects generated by exploitative practices, assess the adequacy of existing legal remedies, and the challenges faced in the protection of human and environmental rights in the face of natural resource exploitation.

2. Conceptual Clarifications

Human Rights

Human rights are those fundamental and inalienable rights, which are essential for the existence of human beings. They are rights we have simply because we exist as human beings - they are not granted by any state. They are the rights every human being possesses, irrespective of his or her nationality, race, religion, sex, etc simply because of his or her humanity.[3] They are those rights inherent in our human nature and without which, we cannot live as human beings.[4] These universal rights are inherent to us all, regardless of nationality, sex, national or ethnic origin, color, religion, language, or any other status.

Some authors have further posited that by nature and scope, human rights are fundamental, indivisible, interdependent, interrelated, inherent and inalienable to all human beings.[5] Igwe defined human rights as rights human beings possess or bear by virtue of our membership of the human family. These rights are innate, inalienable and inherent; thus, not bestowed by law; rather the law containing these rights merely acknowledge what is already in existence.[6] They range from the most fundamental - the right to life - to those that make life worth living, such as the rights to food, education, work, health, and liberty.

Natural Resources

These are resources, which are drawn from nature and used with few modifications. These include the sources of valued characteristics such as commercial and industrial use, aesthetic value, scientific interest and cultural value. On earth, it includes sunlight, atmosphere, water, land, all minerals along with all vegetation and wildlife.

Natural Resources are materials from the earth that are used to support life and meet people's needs. Any natural substance that humans use can be considered a natural resource. Oil, coal, natural gas, metals, stone, and sand are natural resources. Other natural resources are air, sunlight, soil and water, animals, birds, fish and plants. Typically, Natural resources refer to a broad range of resources that exist by nature and can be exploited for exogamic gain.

Environmental Rights

Environmental rights refer to any proclamation of a human right to environmental conditions of a specified quality.[7] It is an extension of the basic human rights that all people require and deserve. In addition to having the right to food, clean water, suitable shelter, and education, having a safe and sustainable environment is paramount as all other rights are dependent upon it. The desire to ensure access for all of Earth's inhabitants to this essential standard of living is the primary concern of Environmental rights.[8]

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[3] [1]The Office of the High Commissioner for Human Rights, 'What are Human Rights? '<https://www.ohchr.org/en/what-are-human-rights > accessed 7 August 2025

[4] S K Kapor, *International Law and Human Rights* (18thed.CentralAgency 2011) 806

[5] L T Muhammed and Y Dankofa, 'Human Rights, Security and Development: A Call for Effective Enforcement in Nigeria' [2012] (3) *Human Rights Review*, 100.

[6] O W Igwe, 'Cultural Impediments to the Realization of Women's Human Rights in Igboland, Nigeria'[2014] (4

[7] 'What are environmental rights?', U N Environment Programme, <https://www.unep.org/explore-topics/environmental-rights-and-governance/what-we-do/advancing-environmental-rights/what> accessed 5 August, 2025

[8] 'Environmental Rights', Pachamama Alliance<,https://pachamama.org/environmental-rights> accessed 5 August, 2025.

Environmental Exploitation

This refers to the use of natural resources within the environment for economic growth and/or survival. However, this may result in the degradation of human rights, especially when over exploited. For instance: deforestation, overhunting, overfishing, waste dumping and pollution, over population, over consumption, mining, raw material extraction and processing, gas flaring, etc may degrade the soil, lead to water shortage, loss of biodiversity, climate change, damage to the ecosystem and pose a major risk to human rights and humanity's continued existence.

2. Legal Framework Governing Natural Resources Exploitation in Nigeria

The legal framework governing natural resource exploitation in Nigeria is primarily shaped by constitutional provisions, statutory enactments, and judicial interpretations that collectively regulate ownership, control, and sustainable use of the country's abundant resources. The Constitution of the Federal Republic of Nigeria 1999 (as amended) vests ownership of natural resources in the state, placing them under the control of the federal government for the benefit of all Nigerians.[9] This constitutional foundation is reinforced by the Land Use Act 1978, which vests all land in the governor of each state, held in trust for the people, thereby centralizing authority over land and by extension resources beneath it. Specific legislation further governs resource exploitation. The Petroleum Act 1969 (as amended) grants the federal government exclusive rights to petroleum resources, empowering the Minister of Petroleum to issue licenses and leases for exploration and production. This framework is complemented by the Nigerian Minerals and Mining Act 2007, which regulates the mining of solid minerals, providing for licensing, environmental safeguards, and community development agreements to mitigate adverse impacts.[10] In recognition of the environmental consequences of resource exploitation, Nigeria has also enacted the Environmental Impact Assessment (EIA) Act 1992, which mandates environmental assessments before major projects are undertaken. Regulatory agencies such as the Nigerian Upstream Petroleum Regulatory Commission (NUPRC) and the Nigerian Midstream and Downstream Petroleum Regulatory Authority, established under the Petroleum Industry Act (PIA) 2021, play pivotal roles in enforcing compliance, ensuring transparency, and balancing economic development with environmental sustainability. Judicial decisions, such as *Attorney-General of the Federation v Attorney-General of Abia State,*[11] have further clarified ownership and revenue allocation, underscoring federal dominance over natural resources. Together, these laws and institutions constitute a comprehensive framework that reflects Nigeria's attempt to reconcile resource control with sustainable development and environmental protection.

3. Legal Effects of Natural Resource Exploitation on Human and Environmental Rights

Natural resource exploitation plays a vital role in national economic development, but it often generates severe consequences for human and environmental rights. The unchecked extraction of oil, gas, minerals, and other resources frequently results in pollution, displacement of communities, and the destruction of ecosystems. These effects undermine fundamental rights such as the right to life, health, and a clean environment, while also threatening biodiversity and long-term sustainability. Examining the legal effects of such exploitation is crucial to understanding the balance between economic interests and the protection of human and environmental rights.

[9] Section 44(3), CFRN 1999
[10] Section 116, NMMA 2007.
[11] (2002) 6 NWLR (Pt. 764) 542

3.1 Legal Effects of Resource Exploitation on Human Rights

The exploitation of natural resources has profound implications for human rights, as it often disrupts livelihoods and threatens the well-being of affected communities. Widespread issues such as pollution, forced displacement, and loss of access to clean water and fertile land directly infringe upon rights to health, life, and adequate living standards.

The Right to Life

Environmental Degradation is a threat to continued human existence as, the continued existence of man rests on various environmental factors such as air, water, food, shelter as well as the general environmental quality. It therefore behooves on the state to protect life and prevent every situation, which may endanger human life as every human being has a right to stay alive. This right has continually been violated by environmental problems occasioned by the activities of human, industries and the state.

This right to life has been protected in most national and international rights instruments. The Constitution of Federal Republic of Nigeria prohibits a threat to the right to life of any person within Nigeria, save in case of self defence, accident or sentence of court.[12] Suffice it to say therefore, that environmental degradation is actionable under the human rights enforcement laws, where there is link between the threat and human induced environmental hazards. For instance, In the case of *Jonah Gbemre v S.P.D.C, NNPC*,[13] it was held by the Federal High Court that gas flaring is a 'gross violation of the constitutionally guaranteed rights to life and dignity which include the right to a clean poison-free, pollution-free healthy environment'.

Article 6(1) of the International Covenant on Civil and Political Rights (ICCPR) 1966 provides for the right to life. The right to life is the highest of human rights and as such entails the right to live without the deleterious invasion of pollution, environmental degradation and ecological imbalances.

In *M. C. Mehta v Union of India Air*,[14] the Indian Supreme Court held that the right to live in a pollution free environment is a part of the fundamental right to Life protected under Article 21 of the India Constitution. Therefore, increasing deterioration of the environment is a violation of the right to life and other fundamental rights.

The Right to Health

This right has been recognized internationally as a precursor to livelihood and continued existence of humanity. The World Health Organization has observed that: 'human health is essential for sustainable development since without health, human beings would not be able to engage in development, combat poverty and care for their environment'.[15]

The UN has also declared that 'human beings are at the centre of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature'.[16] Article 12(1) of ICESCR also provides for right to the highest standard of attainable health. The import of the qualification 'Highest Standard attainable is that, it includes a wide range of factors which enhance healthy life such as access to safe and potable water, adequate sanitation, good food, shelter, livelihood and a healthy environment. Art 12. 2 (b) (ICESCR) further provides for 'the improvement of all aspects of environmental and industrial hygiene'. This implies the reduction of environmental degradation and activities that impede human health.[17]

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[12] 1999 CFRN, s 33
[13] Unreportedsuit No: FHC/B/CS/53/05
[14] (1987) S.C.1086
[15] Background Paper Prepared for the Constitution on Sustainable Development, **WHO**, March,1994.
[16] PrincipleI, Rio Declarationon Environment and Development.
[17] International Human Rights and International Sustainable Development Law. ACISDL Legal Brief of the World Summit on Sustainable Development in Johannesbury, 26th August – 4th September, 2002, See also Committee on Economic, Social and

Furthermore, the right to health has been recognized by the African Charter on Human and Peoples Rights.[18] The Act provides for the protection against natural hazards and pollution. The Nigerian Constitution on another hand makes unenforceable provisions for the protection of the right to health.[19] Section 17(3) of the said constitution states that 'The state shall direct its policy towards ensuring that… the health, safety and welfare of all persons in employment are safeguarded and not endangered or abused'.

Right to a Clean and Healthy Environment

It has often been the argument in recent times that, the right to a healthy environment is a basic human right. The emerging jurisprudential is that, environmental rights, which encompass a number of human rights, are described as third generation rights.[20]

The human right to a healthy environment is necessary for the leading a life with human dignity and the realization of other human rights. In the case of *M. C. Mehta v. Union of India and Others*[21] the court in upholding the right to a healthy environment adopted a passage from the United Nations Conference on Human Environment held in 1972 in Stockholm in its Judgment and stated that:

> *Both aspects of man's environment, the natural and the man-made, are essential to his wellbeing and the enjoyment of basic human rights – even the right to life itself. The protection and improvement of the human environment is a major issue which affects the well-being of people and economic development throughout the world, it is the urgent desire of the peoples of the whole world and the duty of all government .What is needed is an enthusiastic but calm state of mind and intense but orderly work ... to defend and improve the human environment for present and future generations has become an imperative goal ... achievement of this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level.*

In recognition of this right, it was stated in the Ksentini Report that, 'All persons have the right to a secure, healthy and ecologically sound environment.[22] The International Covenant on Economic, Social and Cultural Rights by virtue of Article 12 (2) (b) requires State parties to improve "all aspects of environmental and industrial hygiene." A Resolution on the United Nations Human Rights Council (UNHRC) also asserted that 'a democratic and equitable international order requires' the realization of the 'right of every person and all peoples to a healthy environment….[23]

Various regional Human Rights instruments have also included environmental rights in their provisions and their human rights tribunals have addressed several environmental rights cases. The Regional Instruments include: African Charter on Human and Peoples' Rights[24]which provides for

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Cultural. Rights, General Comment No. 12. The Right to Adequate Food, UNESCOR, 1999, UN Doc E/C.12/1999/5, CESCR, Para 7. Committee on Economic, Social and Cultural Rights, General Comment No.14: The Right to the Highest Attainable Standard of Health, UNESCOR ,2000, UNDoc. E/C/2/2000/5, Para51. See also P. 31 NBA Journal October 2017. Vol. 10).

[18] The Charter has been ratified by Nigeria. See also Article 1 of African Charter. See the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act. 1983. See Articles 16 and 24. See also Section 12 of the 1999, CFRN

[19] See section 6(6)(c) of the Constitution of the Federal Republic of Nigeria,1999 as amended.

[20]C T. Emejuru, 'Human Rights and Environment-Whiter Nigeria? 'Journal of Law, Policy and Globalization. ISSN 2224.' P. 108. See also www.iiste.org accessed 4 August, 2025

[21] AIR1988SupremeCourt1037.

[22] Draft principles on Human Rights and the Environment, annexed to the Ksentini Report, 1994. See also Jona Razzaque, 'Right to a Healthy Environment in Human Rights Law'. <https://lawexplores.com/right-to-a-healthy-environment-in-human-rights-law/#ich06fn65.> accessed 5 August, 2025.

[23] Draft principles on Human Rights and the Environment, annexed to the Ksentini Report, 1994. See also Jona Razzaque, 'Right to a Healthy Environment in Human Rights Law'.< https://lawexplores.com/right-to-a-healthy-environment-in-human-rights-law/#ich06fn65>.accessed 5 August, 2025.

[24] 1981–(Article24),

the right to healthy environment thus: 'all peoples shall have a right to a generally satisfactory environment favourable to their development. The Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights[25]which provides that 'Everyone shall have the right to live in a healthy environment'.[26]

Nations by their Constitutions, bills of rights and other laws have recognized the need for the protection of environmental rights. For instance, the Constitution of the Federal Republic of Nigeria[27] provides that: 'In furtherance of the social order exploitation of human and natural resources in any form whatsoever for reasons, other than the good of the community shall be prevented'.[28] 'The State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria'.[29] However, by virtue of Section 6(6) c, the said provisions are unenforceable.[30] It has also ratified the African Charter on Human and Peoples' Rights by the enactment of a ratification Act[31] which contains the same provisions as the African Charter itself.

A healthy environment therefore encompasses an environment devoid of excessive noise, nuisance, air and water pollution as well as toxic waste disposal, improper disposal of waste (that cause blocked drainages, etc), abuse/destruction of diversity (over fishing, overhunting, over farming, deforestation, etc). However, where the contrary occurs, as is usually the case, the right to a healthy environment is being violated.

Right to Livelihood/Adequate Living Standard

The right to livelihood encompasses the right of all persons to a dignified and productive livelihood, which promotes peace, security, dignity and Justice and contributes to an adequate living standard.[32] By virtue of the Universal Declaration of Human Rights (UDHR), "Everyone has the right to work, to free choice of employment… and Everyone has the right to a standard of living adequate for the health and well-being of himself and his family.[33]

The International Covenant on Economic, Social and Cultural Rights (ICESCR) provides that "The state parties… recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses. It also recognizes the right to a decent living and the right of everyone to an adequate standard of living for himself and his family.[34] However, this right to adequate standard of living is constantly infringed and threatened by environmental degradation.

The right to adequate standard of living which encompasses the right to food and housing is largely dependent on a number of economic, social and cultural rights inclusive of the right to property, right to education, right to social security and right to work and livelihood.[35]

It is pertinent to state that the right to adequate standard of living is continuously violated due to environmental degradation. Vulnerable groups and victims of natural disasters and intense pollution are particularly at risk of having their right to adequate standard of living infringed upon.

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[25] Protocol of SanSalvador,1988.
[26] Article11of the Protocol of San Salvador.
[27] 1999(as amended).
[28] See Section17(d), CAP 2 of the Constitution of the Federal Republic of Nigeria,1999.
[29] Section 20 of the CFRN,1999.
[30] 'The judicial powers vested in accordance with the foregoing provision of this section shall not, except as otherwise provides by this constitution, extend to any issue or question as to whether any Act or omission by any authority or person or as to whether any law or judicial decision is in conformity with the fundamental objectives and directive principles of state policy set out in chapter II of this constitution'.
[31] African Charter on Human and Peoples' Rights Ratification and Enforcement Act 1983.
[32] <www.pdhre.org/rights/land.html> Accessedon29 August 2025
[33] Articles23and25, UDHR.
[34] See Articles 6,7,11 and 25 ICESCR.
[35] <https://.m.wikipidia.org/wiki/right >accessed 5August 2025.

The Right to Own Property
Article 17 of the UDHR provides that: Everyone has the right to own property alone as well as in association with others and no one shall be arbitrarily deprived of his property. The African Charter on Human and Property Rights protects this right in Article 14 thus: *The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.*

Article 21 goes further to provide for adequate compensation as well a full right to recovery of property by dispossessed people in case of spoliation. Irrespective of the recognition and protection of this right, it continues to be infringed upon in the course of environmental degradation. For instance, in the Niger Delta Area of Nigeria, the oil spills have sip into people's lands, farms and homes such that it threatens the peoples' right to property.

3.2 Legal Effects of Resource Exploitation on Environmental Rights
Environmental rights are increasingly recognized as essential to ensuring a safe, healthy, and sustainable environment for present and future generations. Natural resource exploitation, however, often leads to pollution, Loss of Biological Diversity and climate change implications.

Pollution
The legal effects of natural resource exploitation on the environment are far-reaching, as they manifest in air, water, and land pollution, all of which threaten environmental sustainability and human well-being. Air pollution arises from both natural causes such as forest fires, volcanic ash, and dust storms, and man-made activities like population growth, deforestation, urbanization, and industrialization. Human activities introduce dangerous pollutants including carbon monoxide, sulphur dioxide, hydrocarbons, oxides of nitrogen, lead, arsenic, asbestos, and radioactive substances into the atmosphere. The combustion of fossil fuels such as coal and petroleum, thermal power plants, automobiles, and industries are the dominant sources. Mining activities release particulate matter while pesticides and fertilizers from modern agriculture add to atmospheric toxicity. These pollutants intensify the greenhouse effect, accelerate global warming, and contribute to ozone layer depletion, exposing the earth to harmful ultraviolet radiation. In addition, indiscriminate waste disposal releases foul odors and further degrades air quality.

Water pollution is equally significant, as freshwater scarcity is compounded by contamination from factories, coal mines, power plants, and oil wells that discharge effluents into rivers, lakes, and streams. Land pollution results from acid rain, deforestation, overgrazing, poor construction practices, and improper disposal of solid waste. Industrial emissions and oil spills degrade soil fertility, while deforestation accelerates erosion and loss of arable land. Heaps of industrial and household waste disfigures landscapes, contributing to environmental decay. Collectively, these legal consequences underscore the urgent need for robust enforcement of environmental protection laws to curb the destructive impacts of natural resource exploitation

Loss of Biological Diversity
Biodiversity is important for maintaining balance of the ecosystem in the form of combating pollution, restoring nutrients, protecting water sources and stabilizing climate. Deforestation, global warming, over population and pollution are few of the major causes for loss of biodiversity. The factors which threaten biodiversity in Africa include Over population, unsustainable food production methods, Foreign debt-servicing, deforestation of timber, mining and oil extraction, over- harvesting of wildlife, unviable populations of species (as a result of fire, poaching, diseases, cyclones, etc), introduction of alien species, climate change and poverty (which causes humans to exploit natural resources unsustainably).

Oil Pollution in waters increases the presence of acids and alkalines in water which destroys the

microorganisms, thereby hindering the self-purification process in the rivers or water bodies. Agriculture is also affected badly due to polluted water. Marine ecosystems are affected adversely.[36] The sewage waste promotes growth of phytoplankton in water bodies; causing reduction of the dissolved oxygen. Poisonous industrial wastes present in water bodies affect the fish population and deprives us of one of our sources of food. It also kills other animals living in fresh water. The quality of underground water is also affected due to toxicity and pollutant content of surface water.[37] Fertilizer enters both human and livestock waste streams that eventually enter groundwater, while nitrogen, phosphorus and other chemicals from fertilizer can acidify both soils and water. The depletion of fresh water, as applied to more specific and polluted areas, increases fresh water scarcity among the population and also makes populations susceptible to economic, social and political conflict in a number of ways.[38]

Climate Change Implications

Global Warming: This refers to the earth's unusual retention of heat often caused by harmful gas emissions. The green house gases such as carbon dioxide and methane trap the heat radiated from the earth. This leads to an increase in the earth's temperature. Temperature increase can decrease the length of the snow season in the winter and increase the intensity of snowmelt in warmer seasons leading to peak runoff of snowmelt earlier in the season, affecting soil moisture, flood and drought risks and storage capacities depending on the area.[39] Arise in air temperature results in arise in water temperature, which is also very significant in water degradation, as the water would become more susceptible to bacterial growth. An increase in water systems temperature can also affect ecosystems greatly because of the species' sensitivity to temperature, and also by inducing changes in a body of water's self-purification system from decreased amounts of oxygen in the water due to rises in temperature.[40]

Global warming is caused by human activities that release pollutants into the atmosphere, altering it. When too much carbon dioxide is put into the atmosphere through the burning of coal, oil or natural gas to generate electricity or run cars, it spreads around the planet like a blanket and is responsible for the absorption of infrared radiation (felt as heat), which comprises the bulk of solar energy.[41]

Ozone Layer Depletion and Greenhouse Effect: The depletion of the ozone layer is caused by the increase in emissions of chlorine-and bromine-containing compounds like Chloro Floro Carbons (CFCs), halons, carbontetra chloride, methylchloro form and methyl bromide. Emissions of greenhouse gases can affect the depletion of the ozone layer through atmospheric interaction.[42]

The ozone layer depletion also causes increased Ultra Violet radiation levels at the earth's surface which is damaging to human health. Negative effects include increase in certain types of skin cancers, eye cataracts and immune deficiency disorders. UV radiation also affects terrestrial and aquatic ecosystems, altering plant and animal growth, food chains and biochemical cycles.[43]

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[36] <https://saferenvironment.wordpress.com/2009/09/01/environmental-pollution-problems-and-control-measures--overview.> accessed 5 day of August 2025.
[37] ibid
[38] <http://www.cedem.ulg.ac.be/wp-content/uploads/2012/09/Environmentally-Induced-Displacement-Terminski-pdf> 20 August 2025.
[39] R Ragaab and C Prudhomme. 'Soil and water: Climate Change and Water Resources Management in Arid and SemiArid Regions: Prospective Challenges for the 21st Century' Biosystems Engineering 81.1 (2002): 3-4
[40] Water Climate Institute
[41] Is there a connection between the ozone hole and global warming by Union of Concerned Scientists. <https://www.ucsusa.org/resources/ozone-hole-and-global-warming.> accessed 7 August 2025.
[42] 'Effect of greenhouse gas emissions on stratospheric ozone depletion. <https://www.pbl.nl/en/publications/Effect_of_greenhouse_gas_emissions_on_stratospheric_ozone_depletion>accessed 5 August 2025.
[43] Protection of the ozone Layer <http://ec.europa.eu/clima/policies/ozone_en> accessed 7 August 2025.

4. Enforcement of Human and Environmental Rights

The notion of a right to a healthy environment has met resistance from those who claim that the concept cannot be given content and who assert that no justiciable standards can be developed to enforce the right, because of the inherent variability of environmental conditions and the lack of a universally accepted minimum environmental standard. However, the judiciary has manifested the willingness to protect environmental rights in the face of obvious challenges, by enforcing the right to a healthy environment as a human right and allowing wider access to organizations and persons acting in the interest of the public.

The judiciary in the course of ensuring the enforcement of human and environmental rights may grant any of the following reliefs or remedies to an aggrieved party who seeks redress in court. First is restoration of status quo, also known as cleanup. The idea of restoration otherwise referred to as 'restitution in integrum' is to put an injured party in his position prior to the environmental wrong. According to Fagbohun, the rationale for restoration is straightforward, aside from the sentiments and emotional attachments which the victims or aggrieved party may have for wishing that his property be restored to its former state, other personal reasons may stem from the realization that it may cost him more to maintain and run the property in its damaged condition, or that the damage may affect the value of the property or his future plan regarding same. Thus, the courts often make orders for the cleanup or restoration to status quo in cases of pollution.[44]

Second is compensation in the form of damages. This refers to indemnification aimed at restoring an injured person to a position as nearly as possible equivalent to his position prior to tort. This is also in line with the position of International Human Rights Law. [45]Third is injunction, which refers to an order of court which compels a party to do or refrain from doing a particular act which would otherwise threaten or invade the legal rights of the other party. A victim of oil pollution may seek an injunction in court against the continuation of the act, which causes the pollution or damage.

Fourth are fines and sanctions. In this case, monetary fines could be exacted as punishment for the wrongful act and to deter the commission of similar acts in the future. Finally, there is declaration of rights. The court in a number of cases makes declarations as to the existence of the human rights of the aggrieved party in a pollution case in a bid to stop the pollution activities.

5. The Challenges to the Enforcement of Human and Environmental Rights Breaches

The human and environmental laws in place are weightless without the courts to interpret and make orders for their enforcement. However, while there are laws for the enforcement of human and environmental rights and the courts to make pronouncements and orders, for the purpose of actualizing those rights, there are some challenges to the full actualization and enforcement of the said rights.

Lack of Financial Resources (Litigation Cost)

According to the findings of the Environmental Law Research Institute in Nigeria,[46] there is a strong connection between poverty and access to justice as their research revealed that 67% of persons questioned indicated that they earned meager and irregular income and would not be able to subject same to prohibitively expensive and open ended cost of litigation. The said costs of litigation are inclusive of filing fees, extra payment (tips) to court bailiffs for service, lawyers' fees, cost of funding the work of scientists and other professionals and expert witnesses, day to day cost of going

[44] O Fagbohun, 'The Law of Pollution and Environmental Restoration: A Comparative Review'. P.207
[45] Article 3, Basic Principles and Guidelines on the Right to Remedy and Preparedness for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, adopted and proclaimed by General Assembly Resolution 60/147 of 16 December 2005.
[46] The research was conducted on a group of persons selected from different households and communities that reflect low, medium and high incomes. All of these persons from whom the findings were made were likely highly affected by pollution in one form or the other.

to court, and costs that may be awarded against them by court from time to time).

Locus Standi

The problem of locus standi has been a recurring decimal in environmental litigation. The concept of locus standi is a threshold issue, which means the capacity in law to commence proceedings in court and it goes to the root of the suit as a jurisdictional issue.[47] standing to sue is determined by whether a litigant is aggrieved or directly affected by the act or omission called to question. Locus Standi is limited in scope and as such gives polluters room to object and possibly frustrate meritorious cases. Usman therefore opined that:

> *The problem of locus standi in environmental litigation is more acutely felt than in other branches of law because more often than not, a damaged environmental medium may not have an owner who can go to court to ventilate the abatement of his proprietary right in the medium by virtue of the damage. For example, air is the general property of all and nobody's particular property. Where therefore, it is damaged, an individual is likely to lack locus standi to complain in a court of law if rules relating to locus standi are strictly to be adhered to.*[48]

It is rather disheartening to observe that the trend of case law, especially in Nigeria is that in order to have standing to sue, the Plaintiff must exhibit sufficient interest, which is peculiar to him and not an interest, which he shares in common with the general public. The rationale for the adoption of the principle of locus standi is to discourage multiplicity of suits by meddlesome interlopers who do not have sufficient interest in the subject matter of the suit. Therefore, the attitude of the courts in Nigeria is that a Plaintiff who sues for damages arising from an environmental abuse must show that he suffered damages.[49]

However, there are some cases where the court deliberately refused to apply the strict principle of locus standi to defeat the ends of justice.[50] It is therefore important that the said Locus Standi rule be liberalized especially as it concerns environmental rights protection because, failure of the courts to adopt a liberalized interpretation usually amounts to the grave and often irreversible damage suffered by victims of environmental degradation.

Jurisdiction

Another fundamental constraint that bedevils the smooth actualization of human and environmental justice in courts is the issue of jurisdiction. Jurisdiction has on several occasions obstructed the right of people to access the court to seek redress for violation of their environmental rights.

Jurisdiction is the life wire of any action therefore where a court lacks jurisdiction to entertain a matter any decision delivered thereon is a nullity.[51] A Plaintiff may have a good cause of action supported by existing law but where he takes his case to a court, which has no jurisdiction over the subject matter or the cause of action, he cannot ventilate his claims before the court, because once the jurisdiction of a court to determine a matter has been ousted, any further hearing in the matter is indeed null and void because any decision it makes amounts to nothing.[52]

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[47] NikiTobi, 'Judicial Enforcement of Environmental Laws in Nigeria' (2005) 2 (1) *Environmental and Planning Law Review* 91.
[48] A.K. Usman, *Environmental Protection Law and Practice* (Ibadan: Ababa Press Ltd 2012) 212.
[49] M T Ladan, 'A Critical Appraisal of Judicial Attitude towards Environmental Litigation and Access to Environmental Justice in Nigeria' a paper Presented at the 5th IUCN Academy Global Symposium held in Rio de Janeiro Brazil from 31st May to 6th June, 2007.
[50] These include *Shell Petroleum Development Company Limited v Councillor F. B. Farrah* (1995)3NWLR (PT.382) 148 and *Jonah Gbemre v. Shell Petroleum Development Company Nigeria Limited & Anor* (2005) AHRLR 151
[51] *Madukolu v. Nkemdilim* (1962) All NLR 581
[52] J O Ogbe JCA in *Shell Petroleum Development Company of Nig. Ltd v. Hallelujah Bukuma Fishermen Multipurpose Co-operative Society Ltd* (2002) 4 NWLR (Pt. 758) 505.

Limitation of Action/Statute Bar

A Statute of Limitation is an enactment that sets maximum time after an event that legal proceedings based on that event may be initiated. Statutory Limitation of action sometimes places an obstruction on the path of victims of environmental degradation in Nigeria as one of the factors considered by the court is whether a cause of action has not been extinguished due to time lapse by virtue of the provisions of any existing limitation laws. The rationale for the principle of limitation of action is to discourage aggrieved persons from waiting for an unduly long time before commencing proceedings in court, this is because both law and equity aid the vigilant, not the indolent. Actions ought to be commenced within a reasonable time, when the facts are still fresh in the memory of the parties and relevant documents are still intact. The laws have therefore stipulated a time frame within which actions can be commenced in court and the implication of failing to institute the action within the stipulated time is that the right becomes completely extinguished.

For example, Section 12 (1) of the Nigerian National Petroleum Corporation (NNPC) Act provides that:

> *Notwithstanding anything in any other enactment, no suit against the corporation, a member of the Board or any employee of the corporation for any act done in pursuance or execution of any enactment or law, or of any public duties or authority or in respect of any alleged neglect or default in the execution of such enactment or law, duties or authority, shall lie, or be instituted in any court unless it is instituted within twelve months next after the act, neglect, or default complained of or in the case of a continuance of damage, or injury, within twelve months next after the ceasing thereof.*

Given the period of time that may sometimes pass between the time a pollutant is put upon an environment and the time it is discovered to have injured its victims, it is often a difficult problem for potential litigants when they are faced with a statute of limitation showing that they are no longer within the limitation period. Thus, the violators of the environmental rights of Nigerian citizens (usually multinational oil companies) often take advantage of the delay on the part of victims before commencing the suit. The delay is largely occasioned by poverty and ignorance.

Evidential Issues

The difficulty encountered by victims of environmental pollution lies in the problem of claim and proof. Thus, the issue of insufficient evidence is another hindrance to the actualization of environmental justice. It is trite law that he who alleges must prove. Therefore, any person who alleges that his environmental rights have been infringed, ought to establish by credible evidence that his right was indeed infringed upon, before he can be entitled to damages. In *Uhunmwangbo v Uhunmwangbo,* [53]the Court of Appeal held that in order to be successful in an action for unlawful harvest, destruction of economic trees and crops, the Plaintiff must in his evidence, show among others: the name, nature and number of economic trees destroyed or harvested, the economic value of the trees, and the estimated amount of the proceeds of the crops. The essence of this requirement is for the Plaintiff to establish that his right has been breached by the Defendant's activities.

Delayed Justice Administration

The generally prolonged hearing of cases in courts also extends to environmental lawsuits. Thus, cases the enforcement of environmental rights suffer from the undue delay in the court system. Typically, there is the presumption that justice delayed is justice denied. Thus, the delay in the hearing and determination of environmental rights justice may amount to denial. For instance, in *Shell Petroleum Development Company of Nigeria Limited v. Chief G. B. A. Tiebo Vii & Ors.*,[54] a

[53] (1992)2NWLR(Pt.226)709
[54] (1994)6NWLR(Pt.350)258

case arising from an oil spill, which caused extensive damage to the Plaintiffs' property in 1987 came to the High court in 1992, to the Court of Appeal in 1996, to the Supreme Court in 1999 and the Supreme Court of Nigeria delivered its Judgment on the 8th day of April, 2005 almost twenty years after the incident occurred.

6. Conclusion

The exploitation of natural resources in Nigeria has generated significant economic benefits, yet its adverse impacts on human and environmental rights cannot be ignored. The persistent issues of air, water and land pollution, forced displacement of communities, loss of biodiversity and threats to health and livelihoods reveal that the current legal and institutional frameworks are inadequate in addressing the scale of these violations. While constitutional provisions, environmental regulations and judicial interventions have recognized the importance of protecting both human and environmental rights, enforcement remains weak due to corruption, poor monitoring mechanisms and lack of political will. To ensure sustainable development, there is a pressing need to strengthen the implementation of environmental laws and enhance corporate accountability for resource-related harms. It is recommended that Nigeria adopts a rights-based approach to natural resource governance, where human and environmental rights are prioritized alongside economic growth. This can be achieved through stricter enforcement of environmental standards, the establishment of independent monitoring agencies, and increased community participation in decision- making processes.