

ENVIRONMENTAL DEGRADATION, CLIMATE CHANGE, AND HUMAN RIGHTS IN NIGERIA

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Introduction

Nigeria, a nation grappling with dual challenges of pervasive environmental degradation and escalating climate change impacts, faces profound human rights issues. These interconnected issues systematically undermine fundamental human rights, including the right to life, health, food, water and a healthy environment. The Niger Delta, specifically, stands as a stark testament to severe environmental harm directly translates into widespread human rights violations, demanding urgent attention and robust legal intervention. While Northern Nigeria is affected heavily by drought, heat waves, etc. However, this paper provides a background to the relationship between human rights and the environment; considers the role of the right to a clean, healthy and sustain- able environment; and makes recommendations for strengthening the linkages between human rights and the environment.

The Relationship Between Human Rights and the Environment

The well-being and survival of humankind are inseparably connected to and dependent on the environment. The state of the environment has extensive consequences for the enjoyment of human rights. The human rights encompass the inherent dignity and value of every individual, which guarantees fundamental protections, basic needs and rights to participate in decisions affecting one's life. It is inalienable and, as such, cannot be violated or denied for as long as the individual qualifies to be human. The existence of municipal and international legal instruments is enough proof of the importance of human rights. These rights have gained universal acceptance and are also largely inherent, inalienable and indivisible.

*In Fort Royal Homes Ltd & Anor v. EFCC & Anor.*¹ It was held thus;

Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. And when they are protected as legal rights, they then become known as fundamental human

¹ (2017) LPELR-42807(CA)

rights, which are protected by the grundnorm of the society, i.e. the Constitution of the Federal Republic of Nigeria.²

Human rights guarantee the essence and sanctity of human life and, as such, represent the legal expression of life.

A safe, clean, and healthy environment is indispensable for the enjoyment of all human rights, and sustainable environmental governance cannot exist without respect for these rights. In Nigeria, the direct links between environmental degradation and human rights violations are stark. Courts globally are increasingly recognising this intrinsic link; for instance, the Supreme Court of India, in cases like *Shanti Star Builders v. Narayan Totame and Subhash Kumar v. the State of Bihar*, has explicitly linked the right to life to rights to a decent environment, pollution-free water, and air. Also, the environmental rights in Article 24 of the African Charter were applied in the *Social and Economic Rights Action Centre (SERAC) v Nigeria*³. In this case, the exploitation of oil reserves and the dumping of toxic waste in the Ogoni region of Nigeria ultimately caused severe health consequences for those living in the area, which is a serious threat to the right to life.

This judicial trend underscores the findings of a March 2011 Human Rights Council resolution on "human rights and the environment," which, through an analytical study by the Office of the High Commissioner for Human Rights (OHCHR), found an exclusive connection between the two. Furthermore, human-induced climate change, including more frequent and intense extreme events, has caused widespread adverse impacts and related losses and damages to nature and people, beyond natural climate variability. Across sectors and regions, the most vulnerable people and systems are observed to be disproportionately affected. The rise in weather and climate extremes has led to some irreversible impacts as natural and human systems are pushed beyond their ability to adapt.

On another note, the non-justifiability of environmental protection rights under Chapter 11 of the 1999 constitution poses a significant hurdle to effective environmental enforcement in

² Per ABUBAKAR DATTI YAHAYA, JCA (Pp 19 - 19 Paras A - C)

³ ACommHPR, *Social and Economic Rights Action Center (SERAC) and Center for Economic and Social Rights v Nigeria*, Comm no 155/96, 27 October 2001.

Nigeria. The many existing environmental legislations inadvertently facilitate human rights violations by imposing negligible penalties on perpetrators. Therefore, Chapter 11 of the 1999 constitution must be made justiciable, aligning environmental protection with fundamental human rights. Therefore, environmental legislation must be amended to prescribe more severe penalties to deter violations. Nigerian judges also have a critical role in promoting a broader interpretation of fundamental rights to explicitly encompass environmental protection.

Direct Threats to Basic Rights

Every human being depends on a healthy environment, and a safe, clean, and sustainable environment is essential for the enjoyment of the wide range of human rights. The United Nations Human Rights Council Resolution 7/23 on Human Rights and Climate Change expressed that Climate change “poses an immediate and far-reaching threat to people and communities around the world and has implications for the full enjoyment of human rights.” Human rights are therefore significantly impacted by climate change, which poses a variety of direct and indirect dangers to numerous facets of human dignity and well-being.

- a) Impacts of Gas Flaring: The Ogoni people and their environment point to the devastating effects of gas flaring. Gas flaring leads to acid rain, which acidifies lakes and streams, damages crops and vegetation, and corrodes roofs. It has severely impacted human health, contributing to miscarriages, congenital malformations, increased respiratory illnesses, and cancer, sending hundreds to early graves. Its sulfur content also significantly reduces farm yields, directly affecting the agricultural livelihoods of the people.
- b) Oil Spills and Livelihood Destruction: The Niger Delta's population depends directly on the natural environment for their livelihood. Decades of Shell's environmentally destructive practices have profoundly affected these communities, as oil spills have decimated farmlands and fish ponds and polluted essential sources of drinking water. Between 2004 and 2007, for instance, major oil spills from the Trans-Niger pipeline running through Ogoniland devastated the fish ponds and agricultural lands of communities like Bodo and Goi. In 2005, the Oruma community in Bayelsa State suffered a similar fate from a Shell facility spill, destroying their sources of livelihood. The 2007 Ikot Ada oil spill similarly polluted farmlands, ponds, and community lands. The recent oil spill from a Shell pipeline in Obolo creek, Bayelsa State, contaminated

the community river, the only source of water for drinking, cooking and daily activities.⁴

- c) Threats to Life, Health, and Food Security: People globally increasingly experience the devastating effects of environmental and climate crises from extreme weather like heatwaves, floods, and wildfires, to food insecurity, and health issues linked to water and air pollution, and the loss of land, biodiversity, and livelihoods. These lead to immediate fatalities and long-term health impacts. Climate-related disasters and rising seas destroy homes and ruin people's ability to earn a living. Without significant emissions reductions, millions are projected to face drought and famine.
- d) Habitat and Cultural Survival: Indigenous communities face displacement from logging and mining, eroding their profound cultural ties to ancestral lands. Similarly, displacement due to environmental degradation and climate impacts severely disrupts vital cultural connections and threatens traditional ways of life.

Conclusion

Human rights cannot be adequately respected, protected, or fulfilled without environmental protection. The rights of those who are already marginalised and disadvantaged are most at risk. Therefore, a healthy environment is indispensable for the full realisation of human rights for everyone. The impact of these environmental challenges on human rights is evident. It is widely recognized that environmental degradation and climate change pose serious threats on the rights of beings either human or beings other- than humans as the right to life cannot be discussed without having a good health, food, water, housing, and the right to respect for privacy, family life and home. There is a need to explicitly recognise the right to a clean, healthy and sustainable environment as it is an essential step in advancing human rights and environmental protection for all. However, this recognition is only meaningful if it is followed by further integration of human rights and the environment in international law and municipal laws, as well as practical implementation of the right to a clean, healthy and sustainable environment.

⁴ Info@enviroidefendersnet.org