

# Environmental Hazard: The Legal Issues Concerning Environmental Justice in Nigeria



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## ABSTRACT

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One of the challenges the global community seeks to solve is environmental hazards emanating from human harmful activities. Although, Nigeria seems to be part of the global authors seeking environmental justice concerning environmental hazards, however, the incidence of environmental hazards seems to be very pronounced, given the ineptitude of environmental justice towards victims of an environmental hazard. It is concerning this that this study tends to embark on a hybrid method of study in ascertaining the current state of environmental hazard in Nigeria and the challenges concerning environmental justice. The study further found that the continuous environmental hazard in Nigeria is a result of the ineptitude of environmental justice toward the victim of an environmental hazard. The study therefore concludes and recommends that for an effective curtailing of the incidence of environmental hazards in Nigeria, the Nigerian government needs to intensify justice for the victim of environmental hazards and ensure the predators of environmental hazards are legally constricted from their continuous harmful activities.



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## 1. Introduction

The right of man and the concept of justice have been given recognition across the global (both international and national) terrain. The concept of environmental sustainability and the need for environmental justice for the victim of environmental hazards has been given widespread global recognition.<sup>1</sup> This is concerning the fact that it has been proven that the better measure to curtail the incidence of harmful human activities leading to environmental hazards globally is to ensure that the legal framework concerning environmental issues is geared

<sup>1</sup> Abdul Kadir Jaelani and Muhammad Jihadul Hayat, 'The Proliferation of Regional Regulation Cancellation in Indonesia', *Journal of Human Rights, Culture and Legal System*, 2.2 (2022), 121-38 <https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55>

towards environmental justice.<sup>2</sup> In this regard, various international laws concerning the preservation and sustainability of the global environment have been carefully intensified to provide environmental justice for the victim who had suffered environmental hazards emanating from harmful human activities.<sup>3</sup>

Environmental justice can be aptly referred to as having in place, a mechanism, an institutional and legal framework that curtails the excesses of environmental predators who through their harmful activities cause catastrophic environmental hazards. Furthermore, it also involves a process of adequately indemnifying or compensating the victim of an environmental hazard.<sup>4</sup> However, it suffices to opine that Nigeria being a developing country is striving strenuously to attain sustainable economic growth. In furtherance of the quest for economic growth in Nigeria, there have been a series of harmful environmental abuse emanating from harmful human activities. Several communities in Nigeria over the years have encountered severe environmental hazards such as land and river oil pollution, pollution from industrial waste, flooding, air pollution, indiscriminate dumping of toxic refuse.<sup>5</sup>

However, despite the loss and threat of life caused by the dreaded environmental hazards that cause harmful human activities in Nigeria, it is apt to state that most of the predators seem to be untouched by the wipe or stroke of the laws and institutional bodies in Nigeria as concern environmental sustainability. In this regard, the idea of being portrayed as being on the frontline of enforcing and implementing global environmental justice is a mockery of the Nigerian environmental justice system.<sup>6</sup> The concept of environmental justice has long been given international recognition. This is concerning the fact that the international community has shown great concern concerning the depletion, degradation, and damage of climate earth, arising from harmful human activities. In this regard, to guarantee environmental justice several institutional bodies were established.<sup>7</sup>

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<sup>2</sup> Hallie Eakin, Svenja Keele, and Vanessa Lueck, 'Uncomfortable Knowledge: Mechanisms of Urban Development in Adaptation Governance', *World Development*, 159 (2022), 106056 <https://doi.org/10.1016/j.worlddev.2022.106056>

<sup>3</sup> Mumeen A. Yusuf and others, 'Application of Environmental Isotopes in Sustainability Assessment of the Groundwater Resources of Lagos Coastal Basin (LCB), South-West, Nigeria', *Groundwater for Sustainable Development*, 16.June 2020 (2022), 100721 <https://doi.org/10.1016/j.gsd.2021.100721>

<sup>4</sup> Chukwudi O. Onwosi and others, 'Cattle Manure as a Sustainable Bioenergy Source: Prospects and Environmental Impacts of Its Utilization as a Major Feedstock in Nigeria', *Bioresource Technology Reports*, 19.July (2022), 101151 <https://doi.org/10.1016/j.biteb.2022.101151>

<sup>5</sup> Anna Zalik, 'Oil "Futures": Shell's Scenarios and the Social Constitution of the Global Oil Market', *Geoforum*, 41.4 (2010), 553–64 <https://doi.org/10.1016/j.geoforum.2009.11.008>

<sup>6</sup> Usang Anok Ukam, 'Environmental Contamination by Soil-Transmitted Helminths Ova and Subsequent Infection in School-Age Children in Calabar, Nigeria', *Scientific African*, 2023, e01580 <https://doi.org/10.1016/j.sciaf.2023.e01580>

<sup>7</sup> Hossein Azadi and others, 'Special Issue: Environmental Risk Mitigation for Sustainable Land Use Development', *Land Use Policy*, 95.February (2020), 104488 <https://doi.org/10.1016/j.landusepol.2020.104488>

Furthermore, to further legally strengthen the mandate of these institutional bodies towards fostering environmental justice and checkmate the excess environmental hazard of most countries, various legal framework was adopted.<sup>8</sup> Some of these international laws concerning fostering environmental justice. However, it suffices to state in Nigeria, the issues of environmental hazards have been a bane and challenge to most communities. This is concerning the fact that it has been widely reported that in Nigeria there have been several reported cases and incidences of environmental hazards which include land and river oil pollution, pollution from industrial waste, severe flooding, air pollution, indiscriminate dumping of toxic refuse, noise pollution, radioactive pollution and thermal pollution.<sup>9</sup>

There is denying that the continuous environmental hazard being experienced in Nigeria is a mockery of Nigeria's environmental laws. This is concerning the fact that Nigeria is part of the signatory countries to most international treaties, conventions, and protocols that tend to guarantee environmental justice.<sup>10</sup> However, despite Nigeria being part of the movement for the cause of environmental justice, there seems to be a high incidence of environmental hazards with the victim having no access to environmental justice.<sup>11</sup>

Environmental justice involves a proper dispensation of justice concerning environmental hazards by the national institutional bodies such as the police, prosecutor, or relevant government agencies and court, by the laid down the legal framework.<sup>12</sup> In this regard, it suffices to state that in Nigeria, several institutional bodies tend to be saddled with the responsibility of ensuring that justice is served in an incidence of an environmental hazard. Some of these institutional bodies include the police, relevant government agencies such as; environmental impact

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<sup>8</sup> Anupriya Khan and Satish Krishnan, 'Moderating Effects of Business-Systems Corruption on Corruption in Basic National Institutions and Electronic Government Maturity: Insights from a Dynamic Panel Data Analysis', *International Journal of Information Management*, 59, February 2020 (2021), 102349 <https://doi.org/10.1016/j.ijinfomgt.2021.102349>

<sup>9</sup> Wei Hsiang Chang and others, 'Insights into the Long-Term Fates and Impacts of Polybrominated Diphenyl Ethers in Sediment Samples in Taiwan: The National Project for Background Monitoring of the Environmental Distribution of Chemical Substances (BMECs)', *Environmental Pollution*, 306, January (2022), 119417 <https://doi.org/10.1016/j.envpol.2022.119417>

<sup>10</sup> Raphael J. Heffron and others, 'The Emergence of the "Social Licence to Operate" in the Extractive Industries?', *Resources Policy*, 74, September 2018 (2021), 101272 <https://doi.org/10.1016/j.resourpol.2018.09.012>

<sup>11</sup> Seun Bamidele and Nicholas Idris Erameh, 'Environmental Degradation and Sustainable Peace Dialogue in the Niger Delta Region of Nigeria', *Resources Policy*, 80, January (2023), 103274 <https://doi.org/10.1016/j.resourpol.2022.103274>

<sup>12</sup> Kingsley Eghonghon Ukhurebor and others, 'Environmental Implications of Petroleum Spillages in the Niger Delta Region of Nigeria: A Review', *Journal of Environmental Management*, 293, September 2020 (2021), 112872 <https://doi.org/10.1016/j.jenvman.2021.112872>

assessment agency, national environmental standards, and regulations enforcement agency, and state environmental protection agencies and the court.<sup>13</sup>

The existence of these institutional bodies, there are still hurdles concerning environmental justice in Nigeria. This is concerning the fact that constitutionally the right to safe and a healthy environment as provided for by section 20 contained in chapter II of the Nigeria Constitution, has been made a caricature by section 6(6)(C) of the Nigeria Constitution.<sup>14</sup> In this regard, it suffices to state that Nigeria being part of the countries on the frontline of ensuring environmental justice is in theory. It is apt to state that the concept of environmental justice is trending within the global terrain.<sup>15</sup> In this regard, several learned authors have had a discussion concerning the concept of environmental justice within their jurisdiction and the global terrain. Concerning this, it will be relevant to examine some of these pieces of literature to the extent they may be relevant to this study.<sup>16</sup>

According to Ukhurebor and Aidonojie in their study, they identify that the global environment is current experience severe environmental threats emanating from harmful human activities.<sup>17</sup> They further, canvass that if the activities of man are not properly checked, it may drastically affect food production in the long run. However, Aidonojie et al. opine that Nigeria is severely having its fair share of incidences of environmental hazard. They noted that majority of life threatening environmental hazards are majorly emanating from harmful multi-national company industrial waste. Furthermore, they opine that the decadence of Nigeria's environmental law is the major cause of the continuous pollution of the Nigerian environment.<sup>18</sup>

Concerning the above-identified incidence of environmental hazards in Nigeria, Hari stated that the possible way in resolving and curtailing the incidence of environmental hazards is to ensure a smooth pathway of environmental justice for a victim of an environmental hazard. In this regard, Hari state that if the predators pollute the Nigerian environment and cause harm to the Nigerian citizens are

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<sup>13</sup> Kelechi E. Anyaoha and Lulu Zhang, 'Renewable Energy for Environmental Protection: Life Cycle Inventory of Nigeria's Palm Oil Production', *Resources, Conservation and Recycling*, 174. April (2021), 105797 <https://doi.org/10.1016/j.resconrec.2021.105797>

<sup>14</sup> Marta Conde, 'Resistance to Mining: A Review', *Ecological Economics*, 132 (2017), 80–90 <https://doi.org/10.1016/j.ecolecon.2016.08.025>

<sup>15</sup> Ismaila Rimi Abubakar, 'Understanding the Socioeconomic and Environmental Indicators of Household Water Treatment in Nigeria', *Utilities Policy*, 70. April (2021), 101209 <https://doi.org/10.1016/j.jup.2021.101209>

<sup>16</sup> Kimberley Anh Thomas and Benjamin P. Warner, 'Weaponizing Vulnerability to Climate Change', *Global Environmental Change*, 57. May (2019), 101928 <https://doi.org/10.1016/j.gloenvcha.2019.101928>

<sup>17</sup> Idowu Ajibade and others, 'Are Managed Retreat Programs Successful and Just? A Global Mapping of Success Typologies, Justice Dimensions, and Trade-Offs', *Global Environmental Change*, 76. August (2022), 102576 <https://doi.org/10.1016/j.gloenvcha.2022.102576>

<sup>18</sup> Abdul Wadood Moomen and others, 'Inadequate Adaptation of Geospatial Information for Sustainable Mining towards Agenda 2030 Sustainable Development Goals', *Journal of Cleaner Production*, 238 (2019), 117954 <https://doi.org/10.1016/j.jclepro.2019.117954>

aware that it takes a seamless process for their victim to get justice, and it will prompt them to curtail their harmful activities.<sup>19</sup> Furthermore, Eghosa in his studies identified that the concept of environmental justice is ridden with several challenges. However, in his statement, he stated that although, Nigeria has ratified some international treaties as it relate to environmental right and also enact some environmental laws that assert the right to a clean and healthy environment, however, the implementation of the laws seem to pose challenges to environmental justice in Nigeria.<sup>20</sup>

Furthermore, it suffices to state that greed and corruption is also a major challenge militating environmental justice in Nigeria. This position was further reconfirmed by Ayodeji and Okwechime, in their study they found that there is incidence of oil induced pollution emanating from multinational oil companies. They further stated that though some of these companies indulging oil pollution had sort to compensate and bring development to the affected communities in Niger delta, the greed, insincerity and corrupted stakeholders within the region of the affected communities had truncated the benefit emanating from the multinational oil companies.<sup>21</sup>

Concerning the above, it suffices to state that various authors identified above have written scholarly work as it relates to environmental justice, which will be very relevant to this study. However, this study tends to focus on the challenges concerning environmental justice as the bane of the continuous environmental hazard in Nigeria.

## 2. Research Method

The researcher employs the use of hybrid method research (doctrinal and non-doctrinal) in ascertaining the legal challenges concerning environmental justice in Nigeria. The essence of the doctrinal method of study is aimed at theorizing issues concerning environmental hazards and the legal framework concerning environmental justice in Nigeria.<sup>22</sup> In this regard, concerning the doctrinal method of the study, the author relied on and review various legal scholarly literature (such as textbooks, journal articles, and online journal articles) and laws in Nigeria

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<sup>19</sup> Samara Jacal and others, 'Economic Costs and Environmental Impacts of Fossil Fuel Dependency in Sub-Saharan Africa: A Nigerian Dilemma', *Energy for Sustainable Development*, 70 (2022), 45–53 <https://doi.org/10.1016/j.esd.2022.07.007>

<sup>20</sup> Aliyu Zakari-Jiya and others, 'Pharmaceutical and Personal Care Products as Emerging Environmental Contaminants in Nigeria: A Systematic Review', *Environmental Toxicology and Pharmacology*, 94, June (2022), 103914 <https://doi.org/10.1016/j.etap.2022.103914>

<sup>21</sup> Sijie Zhu and others, 'Soil Pollution Studies of Takum, Nigeria: The Use of Environmental Magnetic Properties, Elemental Analysis and Geostatistical Tools', *Building and Environment*, 112, 2022, 109181 <https://doi.org/10.1016/j.buenv.2022.109181>

<sup>22</sup> Mohammad Jamin and Abdul Kadir Jaelani, 'Legal Protection of Indigenous Community in Protected Forest Areas Based Forest City', *Bestuur*, 10.2 (2022), 198–212 <https://doi.org/https://dx.doi.org/10.20961/bestuur.v10i2.66090>

as it concerns environmental hazard and justice.<sup>23</sup> However, concerning the non-doctrinal method of study, the researcher adopts the use of a questionnaire distributed to various respondents residing in Nigeria. The essence of the questionnaire is aimed at ascertaining from Nigerians if there have been incidences of environmental hazards within their locality, the challenges militating against environmental justice, and possible solutions in resolving the challenges. The data obtained in the questionnaire were statistically, mathematically, and numerically analysed in a descriptive format.<sup>24</sup>

### 3. Results and Discussion

#### *Legal Framework and Issues Concerning Environmental Justice in Nigeria*

It is apt to state that for there to be environmental justice in every given society, there must be a proper and effective legal framework that deter and punish an individual from polluting or causing an environmental hazard. Furthermore, the legal framework must also ensure adequate compensation for a victim who suffers from environmental hazards as a result of harmful human activities. In this regard, it suffices to opine that the international community has carefully laid down an international legal framework concerning environmental justice and also required member states who are signatories to the international treaties, protocols, and conventions concerning environmental protection and the right of a victim to environmental hazard, to adopt same procedure in ensuring that a safe environment and protection of a victim of an environmental hazard.<sup>25</sup>

The Constitution of Nigeria is the superior law of the land that ought to ensure that there is environmental safety, and also ensure that there is environmental justice for a victim of environmental hazards. However, the right to a clean and healthy environment is mentioned just in section 20 in chapter 2 of the Nigerian constitution. It suffices to state that by section 6(6)(c) of the Nigeria constitution the right to a clean and healthy environment as envisaged by section 20 of the Nigeria constitution is in shamble and cannot be enforced. This is concerning the fact that, by section 6(6)(c) of the Nigerian constitution, judicial power is restricted and confiscated from further entertaining any issues contained in chapter 2 of the Nigerian constitution. In this regard, one may have no choice but to argue that the concept of environmental justice is or does not seem to exist, due to the gridlock placed by section 6(6)(c) of the Nigerian constitution.<sup>26</sup>

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<sup>23</sup> Jaelani and Hayat.

<sup>24</sup> Fitri Nur, Aini Prasetyo, and Abdul Kadir Jaelani, 'The Changing of Environmental Approval Administrative Law Perspective', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 191–208 <https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55>

<sup>25</sup> Omobolanle Adeyemo and John Smallwood, 'Impact of Occupational Health and Safety Legislation on Performance Improvement in the Nigerian Construction Industry', *Procedia Engineering*, 196.June (2017), 785–91 <https://doi.org/10.1016/j.proeng.2017.08.008>

<sup>26</sup> I. N. Abdullahi and others, 'The Interplay between Environmental Factors, Vector Competence and Vaccine Immunodynamics as Possible Explanation of the 2019 Yellow Fever Re-

It suffices to state that, international treaties that would have been the lily way of ensuring environmental justice for a victim of environmental hazard were therefore constricted by section 12 of the Nigerian constitution. The said section 12 of the Nigerian constitution aptly provides that no international treaties, protocol, or convention shall have the force of law in Nigeria except such international law has been ratified and domesticated in Nigeria.<sup>27</sup> The provision of section 12 of the Nigeria constitution has also been given judicial recognition in the case of *Fawehinmi v Abacha* when the Nigeria court re-emphasizes that it is settled law that international treaties that have not been ratified and domesticated by the National Assembly do not have the force of law in Nigeria. In this regard, it suffices to state that Nigeria's signatory to several international environmental laws that tends to ensure environmental justice does not have any significant effect, given the existence of section 12 of the Nigerian constitution.<sup>28</sup>

However, it must be noted that it cannot be ruled out that there is no existence or the concept of environmental just in Nigeria cannot be achieved. This is concerning the fact that a cursory review of Item 60(a) of the Exclusive Legislative List to the Second Schedule of the Nigeria constitution specifically provides that where the National Assembly of Nigeria enacts laws concerning any matters contained in chapter two of the Nigeria constitution, such matter can be enforceable in any court of law in Nigeria.<sup>29</sup>

In furtherance of Item 60(a) of the Exclusive Legislative List to the Second Schedule of the Nigeria constitution, several national and state legislation concerning the safety, protection of the environment, and ensuring environmental justice have been enacted. Some of these laws are national environmental standards and regulations enforcement agency act, the gas flaring (prohibition and punishment) act, environmental impact assessment act, sea fisheries act, nigeria mining corporation act, nuclear safety and radiation act, territorial water act, the endangered species act, harmful waste act and various states environmental protection laws.<sup>30</sup>

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Emergence in Nigeria', *New Microbes and New Infections*, 41 (2021), 100858  
<https://doi.org/10.1016/j.nmni.2021.100858>

<sup>27</sup> N. Zabbey and others, 'Could Community Science Drive Environmental Management in Nigeria's Degrading Coastal Niger Delta? Prospects and Challenges', *Environmental Development*, 37.August 2019 (2021), 100571 <https://doi.org/10.1016/j.envdev.2020.100571>

<sup>28</sup> Oluwaseun Olowoporoku, Oluwole Daramola, and Oluwafemi Odunsi, 'Determinants of Residents' Perceived Environmental Hazards and Risks in Coastal Towns of Delta State, Nigeria', *International Journal of Disaster Risk Reduction*, 56.May 2020 (2021), 102094  
<https://doi.org/10.1016/j.ijdrr.2021.102094>

<sup>29</sup> Adewumi I. Badiora, Olanrewaju T. Dada, and Temitope M. Adebara, 'Correlates of Crime and Environmental Design in a Nigerian International Tourist Attraction Site', *Journal of Outdoor Recreation and Tourism*, 35.May 2020 (2021), 100392 <https://doi.org/10.1016/j.jort.2021.100392>

<sup>30</sup> Oludamilare Bode Adewuyi and others, 'Techno-Economic Analysis of Robust Gas-to-Power Distributed Generation Planning for Grid Stability and Environmental Sustainability in Nigeria',

It suffices to state that in ensuring that there is environmental justice in Nigeria, legal practitioners are taking the advantage of linking the right to a clean and healthy environment to the right to life contained in chapter four of the Nigerian constitution. In the renowned case of *Jonah Gbemre v. Shell Petroleum Development Company of Nigeria Limited* which is a case of environmental pollution of communities within the Niger Delta region, claiming many life and livelihood of the community. The trial court had no choice but to succumb to the fact that environmental hazard that could lead to taking the life of any individual is condemnable. This is concerning the fact that chapter four of the Nigerian constitution guarantees the right to life.<sup>31</sup>

However, it suffices to state that despite the lily way of ensuring environmental justice within the Nigeria environmental legal framework, the concept of environmental justice cannot be better attained in Nigeria if there is no amendment to the Nigeria constitution in removing the gridlock concerning environmental justice. Concerning the above, it suffices to state that although, Nigeria seem to be in the frontline of the pursuit of environmental justice within its territory, however, there several challenges that militate against its successful implementation of environmental justice. These challenges includes thus, non-constitutional recognition of the right to a clean and healthy environment in Nigeria. This position has been aptly canvas, poor prosecution of cases or incidences of environmental hazard violators, judicial personnel acceding to technicality concerning environmental cases, non-judicial activism concerning environmental cases and illiteracy of most Nigeria concerning their right to a clean and healthy environment.<sup>32</sup>

### ***Institutional and Legal Framework Concerning Environmental Justice in Nigeria***

The concept of environmental justice is hinge on mainly clean and a healthy environment conducive to human habitation, and effective environmental laws that tend to protect and secure the right of an individual to a clean and healthy environment. Furthermore, properly structure institutional bodies that will ensure environmental governance and justice in securing the effective implementation of laws on the environment and securing the right of every given individual that is being environmentally abused. However, concerning the above, it suffices to opine that Nigeria has long set up a good structure and institutional framework to

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*Sustainable Energy Technologies and Assessments*, 55:June 2022 (2023), 102943  
<https://doi.org/10.1016/j.seta.2022.102943>

<sup>31</sup> Yusuf Saad Sani and others, 'Economic Growth and Environmental Degradation in Developing World: Evidence from Nigeria (1981–2019)', *Materials Today: Proceedings*, 49 (2020), 3177–80 <https://doi.org/10.1016/j.matpr.2020.11.310>

<sup>32</sup> Fidelis I. Abam and others, 'Environmental Sustainability of the Nigeria Transport Sector through Decomposition and Decoupling Analysis with Future Framework for Sustainable Transport Pathways', *Energy Reports*, 7 (2021), 3238–48 <https://doi.org/10.1016/j.egy.2021.05.044>

ensure that environmental justice is served. Some of these institutional bodies' roles and functions as they relate to environmental justice.<sup>33</sup>

The Court, it suffices to state that it is the common saying by the laymen in Nigerian society that the court is the last hope of common men in Nigeria. This is concerning the fact that were in the circumstances an individual right to a clean and healthy environment is being abused, the Nigeria court is by section 6 of the constitution and the extent to which section 6(6)(C) of the Nigerian constitution permit the court is empowered to determine any issues legal issues that affect the citizens in Nigeria. In this regard, over the years there several environmental cases such as; *SPDC V. Councillor Farah and 7 others*, *Shell V. Isaiah*; *SPDC V. Jonah Gbemere*, in which the Nigerian court has held the polluters responsible for their harmful actions. In this regard, it is trite to state that the Nigeria court is an institutional body that plays a pivotal role in guaranteeing environmental justice to victims of an environmental hazard.<sup>34</sup>

Federal environmental protection agency, the incidence of waste dumping by an Italian multinational company in Koko port Nigeria prompted the Nigerian government to exacerbate the enactment of a law to curtail the incidence of indiscriminate dumping of waste and substances that could pollute the Nigerian environment. It is in this regard that the Federal Environmental Protection Act was enacted. However, to ensure effective implementation of the Act in making sure that environmental justice is served, the law created an agency known as the Federal Environmental Protection Agency. The agency is saddled with the following responsibility as it for environmental justice as follows, implementation of environmental laws and policies in Nigeria, to ensure that there is effective compliance with the law and policies, imposition of acquiescence with regard, to international convention, treaty, procedure, and truces on the environment, to safeguard and preserve Nigeria's natural resources in its environment and to make environmental guidelines and rules concerning safeguarding the environment.<sup>35</sup>

However, it suffices to state that it is concerning the weakness inherent in the Federal Environmental Protection Act that necessitated the repeal of the Act by the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007. In this regard, section 1 of the NESREA Act further created an agency known as NESREA to replace the Federal Environmental Protection Agency. The function and powers of the extant agency are as spelled

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<sup>33</sup> O. Kehinde and others, 'Plastic Wastes: Environmental Hazard and Instrument for Wealth Creation in Nigeria', *Heliyon*, 6.10 (2020), e05131 <https://doi.org/10.1016/j.heliyon.2020.e05131>

<sup>34</sup> Hyellai Titus Pona and others, 'Environmental Health Situation in Nigeria: Current Status and Future Needs', *Heliyon*, 7.3 (2021), e06330 <https://doi.org/10.1016/j.heliyon.2021.e06330>

<sup>35</sup> T. A. Laniyan and O. M. Morakinyo, 'Environmental Sustainability and Prevention of Heavy Metal Pollution of Some Geo-Materials within a City in Southwestern Nigeria', *Heliyon*, 7.4 (2021), e06796 <https://doi.org/10.1016/j.heliyon.2021.e06796>

out by section 7 of the NESREA Act which is very similar to the power and functions exercised by the defunct Federal Environmental Protection Agency.<sup>36</sup>

State environmental protection agency, concerning the fact that most states in Nigeria are key in ensuring an effective institutional system where justice could be better served, several states in Nigeria such as the Lagos state, Edo state, Ogun, Ondo, Kwara, and several others had deemed it fit in setting up environmental protection agency to combat the incidence of environmental hazard and ensure environmental justice is attained for a victim of environmental hazards.<sup>37</sup> However, to further intensify the implementation of various environmental law taskforce and mobile courts concerning environmental sanitation were also set up in most states to curtail the incidence of environmental pollution and ensure environmental justice is attained. In this regard, as part of policy and guideline in ensuring environmental justice, most state empowers their environmental agency to declare every last Saturday as a day for environmental sanitation. This practice has long been truncated by the economic greed of most successive governments for decades.<sup>38</sup>

The data obtained and generated from the respondent response to the questionnaire, shows that the 264% respondents are resident of Nigeria. In this regard, this presupposes and is made authentic that the respondents not only possess knowledge concerning environmental hazards in Nigeria but also may have experienced incidences of environmental pollution emanating from harmful human activities. The majority of the respondents (264% of the respondents) stated that there have experience incidences of environmental hazards emanating from harmful human activities. In this regard, in figure 3 and table 3 the respondents identified the forms of environmental pollution often suffered from harmful human activities and some of which are as follows, 75.6% and 64.7% of the respondents stated land, river oil pollution, and pollution from industrial waste, 67.4% and 48% identified severe flooding and air pollution, 79.6% and 48.9% stated that there have been incidences of indiscriminate dumping of toxic refuse and radioactive pollution and 58.8% and 49.3% identified noise pollution and light pollution respectively pollution.<sup>39</sup>

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<sup>36</sup> H. A. Umar and others, 'Environmental and Socioeconomic Impacts of Pipeline Transport Interdiction in Niger Delta, Nigeria', *Heliyon*, 7.5 (2021), e06999 <https://doi.org/10.1016/j.heliyon.2021.e06999>

<sup>37</sup> Daniel Ama-Abasi and others, 'Influence of Physical Environmental Parameters on the Abundance of *Chrysichthys Nigrodigitatus* of the Cross River, Nigeria.', *Scientific African*, 16 (2022), e01247 <https://doi.org/10.1016/j.sciaf.2022.e01247>

<sup>38</sup> David V. Ogunkan, 'Achieving Sustainable Environmental Governance in Nigeria: A Review for Policy Consideration', *Urban Governance*, 2.1 (2022), 212–20 <https://doi.org/10.1016/j.ugj.2022.04.004>

<sup>39</sup> Williams P. Akanmu, Sunday S. Nunayon, and Uche C. Eboson, 'Indoor Environmental Quality (IEQ) Assessment of Nigerian University Libraries: A Pilot Study', *Energy and Built Environment*, 2.3 (2021), 302–14 <https://doi.org/10.1016/j.enbenv.2020.07.004>

However, in date shows 4 62.9% of respondents representing the majority of the respondents were of the view that despite relevant evidence of harmful human activities polluting their environment, there is still no justice for victim who suffer from the environmental hazards. Furthermore, in figure 5 and table 5, the respondents identified some of the challenges militating environmental justice in Nigeria as follows, 83.6% of the respondents stated that the non-constitutional recognition of the right to a clean and healthy environment in Nigeria is a bane to environmental justice, 89.2% stated that poor prosecution of cases or incidences of environmental hazard violators, 57.8% assert that most judicial personnel often accede to a technicality over substantive issues in environmental cases, 51.3% also stated that non-judicial activism concerning environmental cases is a bane to achieving environmental justice and 74.6% of the respondents stated that illiteracy of most Nigeria concerning their right to a clean and healthy environment also often made it impossible in getting environmental justice.<sup>40</sup>

It suffices to state that the findings above represent the challenges often encounter in litigating environmental cases or incidences of environmental pollution emanating majorly from harmful industrial activities of a multi-national company in Nigeria. Furthermore, this finding also corroborated the findings of Aidonojie et al., in their study, they examine the decadence of environmental laws and judicial unfairness in incidence environmental cases in Nigeria. Their study reviews the fact that the Nigerian judiciary often glorifies monetary value emanating from multinational oil companies over the safety of the Nigerian environment.<sup>41</sup>

In date show also, the respondents identified possible remedies that could aid in salvaging issues and challenges concerning environmental justice as follows, 77.6% of the respondents stated that there is a need for a review of Nigeria's constitution to accommodate the right to a clean and healthy environment in Chapter four of the constitution, 87.1% identified that there is a need for Environmental activists to assist most affected poor communities to prosecute their cases in getting environmental justice, 53.4% assert that the Nigeria judiciary must ensure to give credence to the substance of every given environmental case over technicalities and 75.9% stated that the Nigerian legislation should endeavor to review the various legal frameworks on the environment to capture any form of environmental pollution as a strict liability.

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<sup>40</sup> Ibrahim Kabiru Maji and Sagir Adamu, 'The Impact of Renewable Energy Consumption on Sectoral Environmental Quality in Nigeria', *Cleaner Environmental Systems*, 2.December 2020 (2021), 100009 <https://doi.org/10.1016/j.cesys.2021.100009>

<sup>41</sup> Kigho Moses Oghenejoboh and others, 'Value Added Cassava Waste Management and Environmental Sustainability in Nigeria: A Review', *Environmental Challenges*, 4.April (2021), 100127 <https://doi.org/10.1016/j.envc.2021.100127>

#### 4. Conclusion

The study have carefully examine the trending quest for justice for victim of environmental hazards. The identify the fact that environmental justice have been given a wide global recognition. This is concerning the fact that the global community had through various legal framework and institutional bodies set the ball of environmental justice rolling. Furthermore, the study also emphasize the fact that, virtually all nations within the global environment are gradually taken drastic move to ensure victim of environmental hazards are adequately compensated and obtain justice. The study also reveal the fact that, Nigeria seem to have key into the trending of environmental justice for victim of environmental justice. This is in regard to the fact that there several laws and institutional bodies established by the Nigerian government to ensure that environmental justice is served concerning victim of environmental hazards. The study further identified that despite the legal and institutional framework in ensuring that environmental justice is guaranteed for victim of environmental hazards, there several challenges that mitigate environmental justice in Nigeria. It is therefore recommended that there is need for review of the Nigeia constitution to incorporate the right to a clean and healthy environment under chapter four of the Nigeria constitution as a fundamental human right necessary to the actualization of life to right. Furthermore, there is need for a swift judicial activism on issues realting to environmental cases.

#### References

- Abam, Fidelis I., Ekwe B. Ekwe, Ogheneruona E. Diemuodeke, Michael I. Ofem, Basse B. Okon, Chukwuma H. Kadurumba, and others, 'Environmental Sustainability of the Nigeria Transport Sector through Decomposition and Decoupling Analysis with Future Framework for Sustainable Transport Pathways', *Energy Reports*, 7 (2021), 3238–48 <https://doi.org/10.1016/j.egy.2021.05.044>
- Abdullahi, I. N., A. U. Anka, A. U. Emeribe, K. Umar, H. A. Adekola, L. Uzairue, and others, 'The Interplay between Environmental Factors, Vector Competence and Vaccine Immunodynamics as Possible Explanation of the 2019 Yellow Fever Re-Emergence in Nigeria', *New Microbes and New Infections*, 41 (2021), 100858 <https://doi.org/10.1016/j.nmni.2021.100858>
- Abubakar, Ismaila Rimi, 'Understanding the Socioeconomic and Environmental Indicators of Household Water Treatment in Nigeria', *Utilities Policy*, 70. April (2021), 101209 <https://doi.org/10.1016/j.jup.2021.101209>
- Adewuyi, Oludamilare Bode, Mark Kipngetch Kiptoo, Isaiah Gbadegesin Adebayo, Oluwatobi Idowu Adewuyi, and Tomonobu Senjyu, 'Techno-Economic Analysis of Robust Gas-to-Power Distributed Generation Planning for Grid Stability and Environmental Sustainability in Nigeria', *Sustainable Energy Technologies and Assessments*, 55. June 2022 (2023), 102943

- <https://doi.org/10.1016/j.seta.2022.102943>
- Adeyemo, Omobolanle, and John Smallwood, 'Impact of Occupational Health and Safety Legislation on Performance Improvement in the Nigerian Construction Industry', *Procedia Engineering*, 196.June (2017), 785–91  
<https://doi.org/10.1016/j.proeng.2017.08.008>
- Ajibade, Idowu, Meghan Sullivan, Chris Lower, Lizzie Yarina, and Allie Reilly, 'Are Managed Retreat Programs Successful and Just? A Global Mapping of Success Typologies, Justice Dimensions, and Trade-Offs', *Global Environmental Change*, 76.August (2022), 102576  
<https://doi.org/10.1016/j.gloenvcha.2022.102576>
- Akanmu, Williams P., Sunday S. Nunayon, and Uche C. Eboson, 'Indoor Environmental Quality (IEQ) Assessment of Nigerian University Libraries: A Pilot Study', *Energy and Built Environment*, 2.3 (2021), 302–14  
<https://doi.org/10.1016/j.enbenv.2020.07.004>
- Ama-Abasi, Daniel, Oju Richard Ibor, Edak Aniedi Uyoh, Bassey Job, and Sandra Uwalaka, 'Influence of Physical Environmental Parameters on the Abundance of *Chrysichthys nigrodigitatus* of the Cross River, Nigeria.', *Scientific African*, 16 (2022), e01247 <https://doi.org/10.1016/j.sciaf.2022.e01247>
- Anyaocha, Kelechi E., and Lulu Zhang, 'Renewable Energy for Environmental Protection: Life Cycle Inventory of Nigeria's Palm Oil Production', *Resources, Conservation and Recycling*, 174.April (2021), 105797  
<https://doi.org/10.1016/j.resconrec.2021.105797>
- Azadi, Hossein, Dacina Crina Petrescu, Ruxandra Malina Petrescu-Mag, and Alexandru Ozunu, 'Special Issue: Environmental Risk Mitigation for Sustainable Land Use Development', *Land Use Policy*, 95.February (2020), 104488 <https://doi.org/10.1016/j.landusepol.2020.104488>
- Badiora, Adewumi I., Olanrewaju T. Dada, and Temitope M. Adebara, 'Correlates of Crime and Environmental Design in a Nigerian International Tourist Attraction Site', *Journal of Outdoor Recreation and Tourism*, 35.May 2020 (2021), 100392 <https://doi.org/10.1016/j.jort.2021.100392>
- Bamidele, Seun, and Nicholas Idris Erameh, 'Environmental Degradation and Sustainable Peace Dialogue in the Niger Delta Region of Nigeria', *Resources Policy*, 80.January (2023), 103274  
<https://doi.org/10.1016/j.resourpol.2022.103274>
- Chang, Wei Hsiang, Quang Oai Lu, Hsiu Ling Chen, Ning Syuan Hsu, and Ching Chang Lee, 'Insights into the Long-Term Fates and Impacts of Polybrominated Diphenyl Ethers in Sediment Samples in Taiwan: The National Project for Background Monitoring of the Environmental Distribution of Chemical Substances (BMECs)', *Environmental Pollution*, 306.January (2022), 119417 <https://doi.org/10.1016/j.envpol.2022.119417>
- Conde, Marta, 'Resistance to Mining: A Review', *Ecological Economics*, 132 (2017), 80–90 <https://doi.org/10.1016/j.ecolecon.2016.08.025>

- Eakin, Hallie, Svenja Keele, and Vanessa Lueck, 'Uncomfortable Knowledge: Mechanisms of Urban Development in Adaptation Governance', *World Development*, 159 (2022), 106056 <https://doi.org/10.1016/j.worlddev.2022.106056>
- Heffron, Raphael J., Lauren Downes, Oscar M. Ramirez Rodriguez, and Darren McCauley, 'The Emergence of the "Social Licence to Operate" in the Extractive Industries?', *Resources Policy*, 74.September 2018 (2021), 101272 <https://doi.org/10.1016/j.resourpol.2018.09.012>
- Jacal, Samara, Franziska Brigitte Straubinger, Emmanuel Olatunbosun Benjamin, and Gertrud Buchenrieder, 'Economic Costs and Environmental Impacts of Fossil Fuel Dependency in Sub-Saharan Africa: A Nigerian Dilemma', *Energy for Sustainable Development*, 70 (2022), 45–53 <https://doi.org/10.1016/j.esd.2022.07.007>
- Jaelani, Abdul Kadir, and Muhammad Jihadul Hayat, 'The Proliferation of Regional Regulation Cancellation in Indonesia', *Journal of Human Rights, Culture and Legal System*, 2.2 (2022), 121–38 <https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55>
- Jamin, Mohammad, and Abdul Kadir Jaelani, 'Legal Protection of Indigenous Community in Protected Forest Areas Based Forest City', *Bestuur*, 10.2 (2022), 198–212 <https://doi.org/https://dx.doi.org/10.20961/bestuur.v10i2.66090>
- Kehinde, O., O. J. Ramonu, K. O. Babaremu, and L. D. Justin, 'Plastic Wastes: Environmental Hazard and Instrument for Wealth Creation in Nigeria', *Heliyon*, 6.10 (2020), e05131 <https://doi.org/10.1016/j.heliyon.2020.e05131>
- Khan, Anupriya, and Satish Krishnan, 'Moderating Effects of Business-Systems Corruption on Corruption in Basic National Institutions and Electronic Government Maturity: Insights from a Dynamic Panel Data Analysis', *International Journal of Information Management*, 59.February 2020 (2021), 102349 <https://doi.org/10.1016/j.ijinfomgt.2021.102349>
- Laniyan, T. A., and O. M. Morakinyo, 'Environmental Sustainability and Prevention of Heavy Metal Pollution of Some Geo-Materials within a City in Southwestern Nigeria', *Heliyon*, 7.4 (2021), e06796 <https://doi.org/10.1016/j.heliyon.2021.e06796>
- Maji, Ibrahim Kabiru, and Sagir Adamu, 'The Impact of Renewable Energy Consumption on Sectoral Environmental Quality in Nigeria', *Cleaner Environmental Systems*, 2.December 2020 (2021), 100009 <https://doi.org/10.1016/j.cesys.2021.100009>
- Moomen, Abdul Wadood, Michela Bertolotto, Pierre Lacroix, and David Jensen, 'Inadequate Adaptation of Geospatial Information for Sustainable Mining towards Agenda 2030 Sustainable Development Goals', *Journal of Cleaner Production*, 238 (2019), 117954 <https://doi.org/10.1016/j.jclepro.2019.117954>
- Nur, Fitri, Aini Prasetyo, and Abdul Kadir Jaelani, 'The Changing of Environmental Approval Administrative Law Perspective', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 191–208 <https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55>

- Oghenejoboh, Kigho Moses, Henry Oghenero Orugba, Ufuoma Modupe Oghenejoboh, and Samuel Enahoro Agarry, 'Value Added Cassava Waste Management and Environmental Sustainability in Nigeria: A Review', *Environmental Challenges*, 4.April (2021), 100127  
<https://doi.org/10.1016/j.envc.2021.100127>
- Ogunkan, David V., 'Achieving Sustainable Environmental Governance in Nigeria: A Review for Policy Consideration', *Urban Governance*, 2.1 (2022), 212–20 <https://doi.org/10.1016/j.ugj.2022.04.004>
- Olowoporoku, Oluwaseun, Oluwole Daramola, and Oluwafemi Odunsi, 'Determinants of Residents' Perceived Environmental Hazards and Risks in Coastal Towns of Delta State, Nigeria', *International Journal of Disaster Risk Reduction*, 56.May 2020 (2021), 102094  
<https://doi.org/10.1016/j.ijdr.2021.102094>
- Onwosi, Chukwudi O., Chigbogu G. Ozoegwu, Tochukwu N. Nwagu, Tonia N. Nwobodo, Ifeanyichukwu E. Eke, Victor C. Igbokwe, and others, 'Cattle Manure as a Sustainable Bioenergy Source: Prospects and Environmental Impacts of Its Utilization as a Major Feedstock in Nigeria', *Bioresourcetechnology Reports*, 19.July (2022), 101151  
<https://doi.org/10.1016/j.biteb.2022.101151>
- Pona, Hyellai Titus, Duan Xiaoli, Olusola O. Ayantobo, and Narh Daniel Tetteh, 'Environmental Health Situation in Nigeria: Current Status and Future Needs', *Heliyon*, 7.3 (2021), e06330  
<https://doi.org/10.1016/j.heliyon.2021.e06330>
- Sani, Yusuf Saad, Ibrahim Yunusa Abubakar, Saifullahi Bala Adam, Mridul Dharwal, Pooja Singh, and Pallavi Sharma, 'Economic Growth and Environmental Degradation in Developing World: Evidence from Nigeria (1981–2019)', *Materials Today: Proceedings*, 49 (2020), 3177–80  
<https://doi.org/10.1016/j.matpr.2020.11.310>
- Thomas, Kimberley Anh, and Benjamin P. Warner, 'Weaponizing Vulnerability to Climate Change', *Global Environmental Change*, 57.May (2019), 101928  
<https://doi.org/10.1016/j.gloenvcha.2019.101928>
- Ukam, Usang Anok, 'Environmental Contamination by Soil-Transmitted Helminths Ova and Subsequent Infection in School-Age Children in Calabar, Nigeria', *Scientific African*, 2023, e01580  
<https://doi.org/10.1016/j.sciaf.2023.e01580>
- Ukhurebor, Kingsley Eghonghon, Hussain Athar, Charles Oluwaseun Adetunji, Uyiosa Osagie Aigbe, Robert Birundu Onyancha, and Olufemi Abifarin, 'Environmental Implications of Petroleum Spillages in the Niger Delta Region of Nigeria: A Review', *Journal of Environmental Management*, 293.September 2020 (2021), 112872 <https://doi.org/10.1016/j.jenvman.2021.112872>
- Umar, H. A., M. F. Abdul Khanan, C. Ogbonnaya, M. S. Shiru, A. Ahmad, and A. I. Baba, 'Environmental and Socioeconomic Impacts of Pipeline Transport

- Interdiction in Niger Delta, Nigeria', *Heliyon*, 7.5 (2021), e06999  
<https://doi.org/10.1016/j.heliyon.2021.e06999>
- Yusuf, Mumeen A., Tamiru A. Abiye, Michael J. Butler, and Kehinde O. Ibrahim, 'Application of Environmental Isotopes in Sustainability Assessment of the Groundwater Resources of Lagos Coastal Basin (LCB), South-West, Nigeria', *Groundwater for Sustainable Development*, 16.June 2020 (2022), 100721  
<https://doi.org/10.1016/j.gsd.2021.100721>
- Zabbey, N., N. C. Kpaniku, K. Sam, G. N. Nwipie, O. E. Okoro, F. G. Zabbey, and others, 'Could Community Science Drive Environmental Management in Nigeria's Degrading Coastal Niger Delta? Prospects and Challenges', *Environmental Development*, 37.August 2019 (2021), 100571  
<https://doi.org/10.1016/j.envdev.2020.100571>
- Zakari-Jiya, Aliyu, Chiara Frazzoli, Cecilia Nwadiuto Obasi, Bolaji Bernard Babatunde, Kingsley C. Patrick-Iwuanyanwu, and Orish E. Orisakwe, 'Pharmaceutical and Personal Care Products as Emerging Environmental Contaminants in Nigeria: A Systematic Review', *Environmental Toxicology and Pharmacology*, 94.June (2022), 103914 <https://doi.org/10.1016/j.etap.2022.103914>
- Zalik, Anna, 'Oil "Futures": Shell's Scenarios and the Social Constitution of the Global Oil Market', *Geoforum*, 41.4 (2010), 553–64  
<https://doi.org/10.1016/j.geoforum.2009.11.008>
- Zhu, Sijie, Yue Yang, Yu Yan, Francesco Causone, Xing Jin, Xin Zhou, and others, 'Soil Pollution Studies of Takum, Nigeria: The Use of Environmental Magnetic Properties, Elemental Analysis and Geostatistical Tools', *Building and Environment*, 11, 2022, 109181 <https://doi.org/10.1016/j.pce.2023.103377>