

SITUATING THE CONCEPTS OF ENVIRONMENTAL GOVERNANCE AND SUSTAINABILITY IN NIGERIA

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Abstract:

The need to explore the subsisting environmental framework in Nigeria has multi-faceted implicated notions. The first notion is to understand the related environmental governance as well as sustainable development. The second notion is to appreciate the nexus between environmental laws in Nigeria and the concomitant regulatory institutions vis-a vis subsisting international instruments and Nigerian state commitment to the global instruments. The study explores Nigeria's environmental laws, regulatory agencies, and international commitments while identifying gaps that hinder effective environmental management. Using qualitative analysis, the paper highlights major environmental concerns such as deforestation, oil pollution, urban waste, and climate change. The findings reveal that weak enforcement, corruption, inadequate public awareness, and poor institutional coordination undermine sustainability efforts. A core environmental statute linking piecemeal and scattered components of environmental legislation into a body of law is yet to be achieved in Nigeria. There is therefore a need for a principal statute for the management of the Nigerian environment. Nigeria therefore needs an integrated, coherent and a more robust all-encompassing framework and a well-focused environmental regime to serve as core principle legislation on the management of the Nigerian environment.

Keywords: Climate Change, Environmental Governance, Natural Resources, Nigeria, Policy, Sustainability-.

1. Introduction

Environmental governance and sustainability are central to global discussions on development. Nigeria, as Africa's most populous country, encounters major environmental issues such as forest loss, land degradation, petroleum pollution, and more urban pollution. Despite having numerous policies and regulatory bodies, the country struggles with effective implementation and enforcement. This article critically appraises the concepts of environmental governance and sustainability, highlighting the gaps in Nigeria's approach and proposing actionable solutions. Environmental governance describes the systems of rules, institutions, and decision-making processes that guide how various stakeholders shape and impact environmental policies

and results.¹ It involves the interactions among state and non-state actors² (e.g., government agencies, civil society, businesses) and includes formal and informal institutions that determine how decisions about natural resources are made and implemented.³

Sustainability is generally understood as fulfilling current needs in a manner that does not hinder future generations from meeting their own. It is built upon three interconnected pillars: environmental protection, social equity, and economic resilience⁴ Environmental sustainability involves safeguarding ecosystems and preserving biodiversity. Social sustainability focuses on promoting fairness, community well-being, and upholding human rights. Economic sustainability emphasizes fostering enduring economic growth while minimizing environmental impact.⁵ The three core pillars of sustainability include: environmental, which involves preserving natural ecosystems and maintaining biodiversity; social, which emphasizes fairness, community advancement, and the protection of human rights; and economic, which focuses on promoting lasting economic progress without causing environmental degradation⁶.

Sustainability is based on the observation that, as production, consumption and populations increase ever more rapidly on a global basis; there are more people on earth – with each one of them using more of the earth’s natural resources’. This article examines the concepts of environmental governance and sustainability in Nigeria as it affects the components and principles of environmental sustainability and the development that meets the needs of the present without compromising the ability of future generations to meet their own needs.⁷ A process of change in which exploration of resources, the direction of investments, the orientation of technology development, and the institution change are all in harmony and enhance both current and future potential to meet human needs and aspirations⁸.

It derives its impetus from the 1992 United Nations conference on Environment and Development,⁹ also known as The Rio Conference which was essentially a reenactment of the 1972 United Nations Conference on the Human Environment, held in Stockholm, resulted in key declarations addressing global environmental concerns. The two decades following this

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¹ UNEP (United Nations Environment Programme). (2016). *Global Environment Outlook: GEO-6 Regional Assessments*. UNEP. <https://www.unep.org/resources/report/geo-6-regional-assessments>.

² M.C. Lemos., & A. Agrawal, Environmental Governance. (2006). *Annual Review of Environment and Resources*, 31, 297–325. DOI: 10.1146/annurev.energy.31.042605.135621.

³ O.R. Young, Environmental Governance: The Role of Institutions in Causing and Confronting Environmental Problems. (2003). *International Environmental Agreements*, 3(4), 377–393.

⁴ World Commission on Environment and Development (WCED). *Our Common Future* (The Brundtland Report). Oxford University Press. (1987). <https://sustainabledevelopment.un.org/content/documents/5987our-common-future.pdf>.

⁵ B. Purvis, Y. Mao, & D. Robinson, Three pillars of sustainability: in search of conceptual origins. (2019). *Sustainability Science*, 14, 681–695. DOI: 10.1007/s11625-018-0627-5

⁶ R.W. Kates, T.M Parris, & A.A Leiserowitz. What is Sustainable Development? *Environment: Science and Policy for Sustainable Development*, 47(3), 8–21. <https://www.tandfonline.com/doi/abs/10.1080/00139157.2005.10524444>.

⁷ O. C. Omare, “*The Nigerian Conservation Law*” (Lagos, Lions Unique Concept, 2004), 5

⁸ O.C. Omare, “Legal Framework of Environmental Rights in Nigeria, *Journal of Contemporary Legal Issues*, Volume 1(2005) 64.

⁹ V.O Aigbokhavbo, International environmental law principles, Sustainable challenges, *Journal of private and property Law*, Vol. 3, (2012) 154.

event, leading up to the 1992 Rio Conference, signaled a significant shift away from the earlier conservationist and industrial-focused mindset of nations which prioritized economic growth and development toward a broader recognition of the serious environmental threats facing the planet.¹⁰

Sustainability has at least three aspects, First, the environmental cost incidental to current high consumption life styles are becoming less negligible as the world wide rates of consumption increase. As environmental costs associated with current life style becomes less sustainable. For example, it might be sustainable for most adults in North America and Europe to travel primarily in individual automobile with internal combustion engines¹¹. Those experts and interest focusing on sustainability are concerned, however, that it might not be sustainable from a purely environmental perspective for those adults, together with most of the other adults, around the world, to do so¹². Those experts and others argue that, if the freedom and efficiency of individual's travel is to become generally available to all adults around the world, everyone's equipment and method for achieving that goal might need to change¹³.

¹⁰ Sustainable development refers to a method of utilizing resources in a way that satisfies human needs while ensuring the preservation of the environment, so that future generations can also benefit. This concept was popularized by the Brundtland Commission, which defined it as development that "meets the needs of the present without compromising the ability of future generations to meet their own needs." Sustainable development is typically understood through three key pillars: environmental, economic, and socio-political sustainability. However, for the purpose of this discussion, the focus will be on environmental sustainability and how legal frameworks can support this goal. Various scholars have offered perspectives on what sustainable development entails. Ajayi (1995) describes it as a guiding principle that helps balance environmental conservation with developmental needs. Essentially, it promotes enhancing human life quality while remaining within the ecological limits of natural systems. Supporting this view, Hawke (1993, as cited in Atsegbua et al.) emphasizes that sustainable development can be achieved through practices such as energy efficiency, advanced technology and management techniques, improved product design and waste reduction, environmentally friendly agricultural practices, strategic land use, better transportation systems, informed consumer behavior, and lifestyle changes. According to him, these practical human activities, if properly managed, can bring the concept of sustainable development to life. Ajayi further argues that sustainable development demands careful environmental stewardship to avoid causing irreversible harm or placing excessive pressure on natural systems. This stance becomes even more significant in light of the increasing environmental damage seen worldwide due to irresponsible human actions. Environmental sustainability, in particular, refers to the ongoing ability of the environment to maintain its essential functions. It means meeting current human needs without endangering future generations. The primary objective is to stop the ongoing deterioration of natural resources. A scenario becomes unsustainable when natural resources are consumed faster than they can regenerate. True sustainability requires that human activities be aligned with the environment's natural renewal rate. In theory, continued environmental degradation can lead to a future where human life is no longer viable. If this trend continues unchecked on a global scale, it could even threaten human survival. This raises a critical question for developing nations: is full environmental sustainability achievable under current conditions, or should a more balanced approach be considered—one that accommodates both ecological protection and economic growth? Critics of sustainable development argue that it imposes restrictions on developing countries, while developed nations were allowed to pollute during their industrialization phases. This perceived double standard can hinder growth in less developed regions. Some even claim that pursuing sustainable development may force societies to revert to less modern ways of living. Despite these concerns, it is important not to dismiss the long-term benefits of sustainable development. The rapid and largely unchecked rate of environmental degradation, particularly in developing countries, poses serious risks to both current and future generations. In this context, legal frameworks play a critical role. Law acts as a mediator, helping to strike a balance between the need for economic advancement and the imperative to protect the environment for the future

¹¹ J. Goodal, *Hope for Animals and their World: How Endangered Species are being rescued from the Bank*. Grand Central Publishing, 2010

¹² V, Shiva, *Erath Democracy: Justice, Sustainability, and Peace*. South End Press, 2005

Second, experts and interest focusing on sustainability are concerned that entire industries—such as the automobile industry—are not viable in their present forms, unless those industries are fundamentally transformed (e.g. By creating vehicles using less non-renewable energy), the benefits they initially afforded might not remain generally available.

Third, as more and more of the earth's resources are accessible to our global system of production and consumption, resources for which no economic value has been established are eliminated in favor of those resources with proven economic value. For example, cultivated rice varieties decrease as farmer throughout Asia abandon locally traditional varieties in favor of varieties with larger yields. Expert and interests focusing on sustainability are concerned that eliminating diversity can foreclose future technological progress and economic development. Eliminating diversity, they argue, can even undermine the viability for current systems of production and consumption. For example, as diversity in cultivated food crops decreases, more and more of the world's food supply could well be vulnerable to the same diseases.

2. History, nature and scope of environmental governance and sustainability development

Environmental governance refers to the processes, policies, and institutions that influence how natural resources are managed, how environmental decisions are made, and how compliance is enforced¹⁴. It involves multiple stakeholders, including government agencies, private sector actors, civil society organizations, and local communities. Good environmental governance ensures transparency, accountability, and participatory decision-making.

Sustainability, as defined by the Brundtland Commission (1987), is the ability to meet present needs without compromising the ability of future generations to meet their own. It integrates economic, social, and environmental dimensions, requiring a balance between resource exploitation and conservation¹⁵

Consequently, sustainable development and environmental protection has gained an increase in international concern. Despite the urgent need for the application of this principle, sustainable development is faced with various challenges, majority of such challenges spurring from the developing countries.

Environmental governance covers various fields such as corporate governance, welfare governance, economic governance and environmental governance.¹⁶ For the sake of this work, the emphasis is on environmental governance. When placed within the context of the environment, the concept of the governance is generally defined as encompassing the relations and interplay among government and non-governmental entities, processes and normative frameworks, where powers and functions, directly or indirectly influence the use, management and control of the environment.¹⁷ It is concerned with how legal and policy decisions are made, with popular emphasis on the participation of the human beings who will thereby be directed by the outcome of such decisions. Environmental governance is defined as a concept in political ecology or environmental policy related to finding the elements needed to achieve

¹⁴ F. Biermann, *Earth system governance: World politics in the Anthropogenic*, MIT Press. (2014). 78

¹⁵ J. Sachs, *The age of sustainable development*. (Columbia University Press. (2015). 56

¹⁶ Nwokezi Johny Okoro, "Socio-economic implication of gas flaring in Retrieved 14S March 2017 Nigeria".<http://ogbakirdgom.com>.\the social-economic implication of gas flaring posted 10/2010.

¹⁷ *ibid*.

sustainability.¹⁸ It advocates sustainability as the supreme conditions for the management of all human activities are it social, economic or political. It views natural resources and the environment as global public goods, belonging to the category of goods that are not diminished when they are shared.¹⁹ Environmental governance comprises the whole range of rules, practice policies and institutions that shape how humans interact with the environment²⁰ as well as the management of the environment in its different forms. It is also defined as the formal and informal institutions, rules, mechanisms and processes of collective decision making that enable stakeholders to influence and coordinate their interdependent needs and interest and their interaction with the environment at the relevant scales. It is all those process and institution that encompass the standard, values, behavior and organizing mechanism used by citizens, organizing mechanism used by citizens, organization and social movement as well as the different interest group as a basis for linking up their interest, defending their difference and exercising their rights and obligation in terms of accessing and using natural resources.²¹ At the international level, global environmental governance is the sum of organizations policy instruments, financing mechanisms, rules, procedures and norms that regulate the process of global environmental protection.²²

Environmental governance views natural resources and the environment as global public goods, belonging to the category of goods that are not diminished when they are shared.²³ According to Wallace Partner, environmental governance is where sustainability performance and traditional corporate governance intersect. It is a mechanism or strategy of governance that seeks to integrate environmental protection into development plans. It is also defined as the process of governing the environment and those issues associated with the environment. In the view of Wallace partner, environmental governance is the way in which people choose to engage with other members of society, to manage the process and structure by which their natural resources and environment are used and sustained for future generations. It is all the process of collective decision making related to the management of the environment and used by a national. It does not only deal with the kinds of top-down mechanisms frequently used by government to ensure regulatory compliance, but it is also concerned with those actions taken at various levels to improve the environment.²⁴

The need to protect the various component of the environment arises by reason of the fact that they are threatened in various ways and at varied degrees, earlier pointed out. The terms “environment” consist not only of our immediate surroundings, but also the totality of the natural and man-made environment, such as the atmosphere, forest, soil, freshwater, biological diversity, the polar region (Arctic and Antarctic), wild plant and animals, which are of common

¹⁸ P. Nwankwo & P. G. Ifeoma, Oil pollution in the Niger Delta: Environmental and socio-economic implications. *African Journal of Environmental Studies*, 9(4), 56-78, 2021.

¹⁹ J. Graham, B. Amos, & T. Plumptre, Governance principles for protected areas in the 21st century. Institute of governance, Ottawa. (2003), 56.

²⁰ *ibid.*

²¹ C. Emejuru, Legal framework for the Environment against Oil and Gas Pollution in Nigeria M.Phil. Thesis submitted to the faculty of law Ile-Ife. (2006), 45.

²² Atsegbua & company, Report on the review of Environmental Legislations in Edo State. Under the Auspices of the EDSEPA/UNDP Assisted programme, (1997) 45.

²³ *ibid.*

²⁴ European Commission, Environmental Policy Review No.COM (2002), The final European Com: Brussels (2003) 27.

benefit to all mankind. Life on earth depends on “an uninterrupted functioning of natural systems which ensure supply of energy and nutrients”.²⁵

There are various components that make up our common environment. These include our immediate surroundings, the atmosphere, forests, biological diversity, marine environment, freshwater, soil environment,²⁶ the polar region, outer space, et cetera. Each of these components is threatened in various ways and at varying degrees and is therefore in need of protection. We will now examine some of these components and principles in some lighter details. These include the following:

- A. Our immediate physical environment:** Our immediate physical environments consist of the houses in which we live, our compounds, kitchens, bathrooms, toilets, gutters in front of our houses, streets, major highways, markets, churches and mosques, schools, colleges and universities. The need to protect our immediate environment from pollution can be seen from the elementary and simple law of hygiene, which teaches us the dirty environment (i.e. surroundings) expose us to the risk of contracting various types of disease, such as cholera, typhoid fever, malaria fever, tuberculosis, and could lead to epidemic outbreak.²⁷

It is a common sight in recent times to behold heaps of refuse dumped indiscriminately on the street corners and every available empty space. These ugly sights soon become the breeding sites for mosquitoes and other dangerous insects. The result is unprecedented increase in the incidence of such disease as cholera, malaria and other insect borne disease which often result in deaths or hospitalization of thousands of people.²⁸ Furthermore, scientific studies have shown that refuse dumps produce an emission known as methane which gets back at the resultant increase of global warming. These are good reasons why our immediate physical environment is always in need of protection by being kept clean.²⁹

- B. Atmospheric Environment:** The atmosphere as a component of the environment consists of “... mixture of gases surrounding the earth”. This includes the air in any space place”. The importance of fresh air to human existence is well known to us all.³⁰ We breathe oxygen through the air, and this goes a long way in sustaining human lives. Perhaps we will come to a greater realization of the importance of air when we imagine a situation whereby the air completely ceases for five to 60 seconds. The consequences of this would be that majority of living beings will die off. The first and most obvious sign that a person is dead is that, that person has stop breathing.³¹

Important as the atmosphere is to us, yet it is greatly threatened by a great variety of gases, which are released into it daily. Such gases include sulphur oxide, nitrogen oxides, carbon dioxide, carbon monoxides, hydrocarbons, volatile organic compounds, trace metals, et cetera.

²⁵ C, Figueres and T, Rivett-Carnac, *The Future We Choose: Surviving the Climate Crisis*. Knopf, 2020.

²⁶ J. Rockstrom and M. Klum, *Big World, Small Planet: Abundance within Planetary Boundaries*. (Yale University Press, 2015)

²⁷ *ibid.*

²⁸ O. Adewale, Environmental regulations and enforcement in Nigeria: (2020) Challenges and prospects. *Journal of Environmental Studies*, 18(2), 89-105,

²⁹ T. Adebayo, Corruption and environmental governance in Nigeria: (2017) *A critical appraisal*. *African Journal of Environmental Policy*, 12(3), 45-60,

³⁰ *ibid.*

³¹ J. Okonkwo, Nigeria’s international environmental commitments: Compliance and challenges. (2019). *Global Environmental Governance Review*, 14(2), 98-115.

These gases mix up in the atmospheric pollution. The result of atmospheric pollution is that the air we breathe in is no longer pure of fresh but polluted air.³² These gases commonly called greenhouse gases also deplete and causes holes to be formed in the stratospheric ozone layer.

C. Forest and Biological Diversity: The forest house wild plants and animal in their various species and gene, therefore, just as house, village, cities and towns provide shelter for human beings, so also do forests provide shelter for human beings, wild plants and animals.³³ Again, just as our houses, cities, towns, and village constitute our immediate physical environment, so also do forests constitute the immediate environment or natural habitat for wild plants and animals?³⁴

Environmental protection being a nascent development, the concept is therefore those emerging ideas or general notions, which express the general characteristics of environmental protection. The basic concepts of environmental protection are discussed below.³⁵

D. Common but Differentiated Responsibility: The concept of common but The idea of common but differentiated responsibility is a recognized principle in international environmental law. It is based on the understanding that both industrialized and developing nations share the same environment and therefore have a shared duty to protect it from harm. However, the extent of obligation and level of commitment expected from each group of countries is not equal. This approach acknowledges that industrialized nations, due to their significant industrial operations, exert more stress on the global environment compared to less industrialized or developing nations. As a result, the principle assigns a heavier burden to developed countries in promoting sustainable development, taking into account their greater access to technological and financial assets that can be used to support developing nations in covering the expenses tied to sustainable progress.

This principle has become a core element in numerous global environmental agreements, many of which outline various forms of support from developed nations to developing ones, including knowledge sharing, technology exchange, and institutional capacity enhancement.,³⁶

The Rio Declaration embraced this principle with the following statement: Nations are expected to collaborate in a global partnership to preserve, protect, and restore the planet's ecological health. Acknowledging the unequal contribution to environmental harm, all countries share the same responsibilities, though with varying degrees. Developed nations accept a larger role, given the pressure their economies place on the environment and the advanced technologies and wealth they control..³⁷

³² *ibid.*

³³ *ibid.*

³⁴ K. Aliyu, Technology-driven solutions for environmental monitoring in Nigeria. (2021) *Journal of Sustainable Development*, 10(4), 101-118.

³⁵ See article 10(2) of the 1989 Basel Convention on the Control of Tran's Boundary Movement of Hazardous Wastes and Their Disposal, 1992 United National Framework Convention on Climate Change, article 16, 20 and 21 of the 1992 Convention on Biological Diversity and the 1987 Montreal Protocol on the Protection of the Ozone Layer.

³⁶ See principle 7 of the 1992 Rio declaration on environment and development.

³⁷ Kiss A. 113.

When the concept was incorporated into the 1992 United Nations Framework Convention on Climate Change (UNFCCC), three classifications of countries were outlined:

- a. Developed nations, which bear the primary responsibility for tackling climate change and supplying additional financial resources.
- b. Economies in transition, countries moving from developing to developed status, granted certain flexibilities as they adjust to climate obligations.
- c. Developing countries, which are intended recipients of financial support and technology transfer from wealthier nations to help them manage climate-related challenges.

This framework promotes fairness in sustainable development by not only recognizing the greater environmental burden carried by developed nations but also assigning them the duty to help developing nations reach their sustainability goals. Additionally, it urges wealthier countries to provide meaningful support to bridge the gap in resources. The concept of common but differentiated responsibilities remains a recent but vital part of the global environmental protection dialogue.

E. Environmental Security: like the principle of common but differentiated responsibility, is a developing concept within international environmental law. It has been added to the traditional triad of global security concerns economic, political, and military highlighting how environmental degradation now poses a direct threat to human stability and peace across borders.³⁸

A range of factors fuels environmental insecurity. First, relentless population growth places increasing strain on limited natural resources and social infrastructure. Next, the persistent overuse and degradation of ecosystems and resources continue unabated. There's also a mounting risk of conflict stemming from competition over shared resources such as water, land, and global commons. Finally, human activities industrial pollution, deforestation, and greenhouse gas emissions are triggering large-scale ecological disturbances.³⁹

One notable example is the depletion of the ozone layer, which contributes to global warming, rising sea levels, and increasingly severe flooding.⁴⁰ These environmental impacts have displaced millions worldwide, giving rise to a growing population of environmental refugees. In regions such as South Asia and Sub-Saharan Africa, climate-driven migration is already a pressing humanitarian challenge. Such environmental threats disrupt ecosystems, economies, and public health, underscoring the urgent need for long-term, coordinated action.

Addressing this requires strengthened global cooperation and unified policy responses. Governments must work jointly to enforce environmental agreements, share scientific data, and support sustainable development in vulnerable regions.⁴¹ Through collective legal frameworks and effective enforcement, we can protect shared resources and prevent conflict while preserving both environmental integrity and societal stability.

³⁸Milstein, R. (2024). *Environmental Security*. EBSCO Research Starters.

³⁹ UNEP (2023). *Glossary of Environmental Terms*. <https://leap.unep.org>.

⁴⁰ European Commission (2023). *Environmental Security*. Knowledge4Policy.

⁴¹ UN Documents (1992). *Rio Declaration on Environment and Development*.

- F. **Sustainable Development:** The benchmarks for determining whether a development process is sustainable revolve around how well it incorporates environmental protection within its planning. This principle is reflected in Principle 4 of the Rio Declaration.

Principle 4 of the Rio Declaration states: “to achieve sustainable development, environmental protection must be an integral component of the development process and cannot be separated from it.

Based on this, meaningful development should not only fulfill the needs of the current generation but also ensure that future generations have the opportunity to meet their own needs, particularly by embedding environmental protection and conservation measures into development plans.⁴²

This idea forms the core of sustainable development, emphasizing that environmental safeguards must be included as a fundamental part of any development activity, rather than treated independently. It requires balancing environmental concerns equally alongside economic, social, cultural, and other relevant factors throughout the development process. Furthermore, it calls for regular assessments of development policies in relation to environmental policies, aiming to harmonize both through effective national legislation.

Additionally, active public engagement in decision-making processes is essential, as it promotes a better balance between environmental and economic policies, aligning with the goals of sustainable development

- G. **Common Concern of Humanity:** According to Kiss, the basis of the concept of common concern of humanity is premised on certain basic facts of the global⁴³ environment. First, there are some transboundary or domestic environmental matters that national or regional efforts cannot single handedly deal with effectively. The international community can better handle such matters through cooperation since they have lasting impact on the global environment. An example is the problem of atmospheric ozone layer. Secondly, several environmental treaties impose environmental obligation, which are connected with the concept of common concern. This is in recognition of the need to safeguard the global environment in view of the fact that the consequences of the environmental pollution affect the whole international community and such ought to be of a common concern to all. Thirdly, the need to preserve the environment for both present and future generations is also of common concern for all humanity, since the present generation holds and manages the environment in trust for the biosphere has to be considered as whole as a result of the interdependence of the various elements of the global environment.⁴⁴

Having said that, it should be noted that the term “common concern” could not be submitted for the term “general interest” this is because the term “common concern” is stronger in terms of commitment than the term “general interest”. For instance, all sovereign nations may have a general interest on the need to protect the environment without being willing to limit their sovereignty in order to protect the environment by means of entering into treaties with or

⁴² Kiss A. 104.

⁴³ *ibid.*

⁴⁴ A. Ogunbanjo, Deforestation and climate change in Nigeria: Policy and mitigation strategies. (2018). *Journal of Environmental Research*, 7(3), 66-79.

among themselves to that effect.⁴⁵ It is believed that it is when states surrender some of their sovereign rights under specific treaties with one another thereby imposing obligation on them in this regard, that it may be said that they have common concern on the protection of the environment. It is through international environmental treaties that states can impose obligation on themselves and it is through this also that they can express their common concern for the environment.

Ordinarily, domestic courts apply and enforce international regulations contained in treaties to which the state is a party, after such treaties have been ratified or approved by the local parliament of the state concerned. However, where an international environmental regulation is implicitly based on common concern but not expressed, it becomes difficult for domestic court to apply or enforce them since they then become non-binding principles. Nevertheless, a domestic court may enforce such a regulation if it is a recognized rule of customary international law.

H. Right of Future Generation: At the onset, it needs be pointed out that some aspects of the concept of the right of future generation have not been clarified, at least from the legal viewpoint. In the first place, the term⁴⁶ “generation has not been properly defined. For instance, what is the lifespan of a generation, and where one generation end and another does begin. Secondly, the content of this right of future generation has also not been established. It has been criticized on the ground that when viewed in the light of the fact that the concept is to be applied over centuries still to come, the approach becomes unsatisfactory,⁴⁷ thirdly, the problem of how to implement the so called rights of future generation where such rights are eventually identified. In view of the above,⁴⁸ it has been observed that the concept connotes a kind of trust concept, which requires present generation to protect and preserve the earth renewable resources in trust for present and future generations.

At the national level, the rights of future generations can be advocated for by individuals or organizations granted legal standing to act on their behalf. Concerned groups, especially those focused on environmental conservation, may be empowered to initiate legal proceedings to protect natural resources for future use. For example, in the landmark case of *Minors Oposa vs Secretary of the Department of Environment and Natural Resources*, the court recognized the legal standing of concerned parents to sue the government. They sought to prevent the issuance of timber licenses due to the environmental harm caused by deforestation and desertification, establishing a precedent for representing the interests of future generations in court.⁴⁹ In this case, then court held that these parents had the locus standi to restrain the government from granting timber licenses on the ground that desertification causes environmental damages.

It is important to note that successful legal action at the domestic level depends largely on whether a country’s constitution acknowledges and guarantees citizens’ environmental rights. Many modern constitutions now include explicit provisions safeguarding the environment as a fundamental right. For instance, Article 50 of the Constitution of Ukraine affirms every individual’s right to a safe and healthy environment, including the entitlement to compensation

⁴⁵ N. Eze, & I. Chukwumeka, Urban waste management in Lagos: An assessment of policy effectiveness. , (2022) *Environmental Management Review*, 15(1), 23-38.

⁴⁶ *ibid*, 16

⁴⁷ See the 1972 Stockholm declaration. The concept was first formulated by this declaration. See kiss, A. 105.

⁴⁸ Kiss, A. 103-104.

⁴⁹ 1994, 33 ILM 168, See Kiss A 107.

for damages resulting from violations of this right. Such constitutional guarantees provide a solid legal foundation for protecting environmental interests and, by extension, the rights of future generations.⁵⁰ Despite progress at the national level, there remains a significant gap internationally in terms of formal mechanisms to safeguard the interests of future generations. Unlike domestic courts, the international community has yet to establish an independent authority or legal framework specifically tasked with representing and enforcing the rights of those yet to be born. Addressing this gap would require collaborative efforts among states and international organizations to create institutions or bodies that can advocate for intergenerational equity on a global scale.⁵¹

Additionally, the principle of intergenerational justice highlights the ethical responsibility current generations hold to preserve the environment and its resources. This principle underlines the necessity of integrating long-term environmental considerations into policymaking, ensuring that present-day actions do not compromise the ability of future generations to meet their needs. Legal recognition of this concept can strengthen environmental governance and foster sustainable development practices worldwide.⁵² In summary, while domestic legal systems have made strides in recognizing and protecting the rights of future generations, more comprehensive international frameworks are essential to fully realize this goal. Combining national constitutional provisions with global cooperation will be critical in effectively safeguarding the environment for generations to come.⁵³

3. Common Heritage of Mankind:

This emerging concept has evolved beyond the older idea of *res communis*, recognizing that certain global areas like the moon, outer space, and the deep seabed must be protected under specialized legal frameworks.⁵⁴ These spaces are held in common for the benefit of all humanity, with the responsibility to safeguard them extending to future generations. Unlike *res communis*, which treats parts of Earth as inalienable communal assets, the *common heritage* doctrine applies to specific sites designated for the common good.⁵⁵ It brings several benefits, including equitable sharing of revenue, preservation of cultural assets, and the free exchange of scientific information especially regarding advanced technologies like geostationary satellites.⁵⁶

This principle aligns closely with sustainable development by promoting rational, peaceful usage, conservation, management, and intergenerational transfer. It frames states as custodians and allows private individuals a role in stewardship and shared ownership. Despite resistance from some states rich in biological resources, this concept remains vital to the global effort to protect and preserve our collective environment.⁵⁷

Ultimately, the integration of these environmental sustainability principles once internalized and embedded within national legal frameworks, including Nigeria's will enable effective

⁵⁰ Section 20 of the 199 Constitution of Nigeria as Amended.

⁵¹ *ibid*

⁵² *ibid.*

⁵³ See for instance the constitutions of Hungary, South Africa, Nicaragua, Korea, Turkey, Peru, Philippines, Portugal, Chile, and others

⁵⁴ *ibid.*

⁵⁵ *ibid.*

⁵⁶ *ibid.*

⁵⁷ *ibid.*

natural resource management and help mitigate environmental harm from hydrocarbon pollution.⁵⁸

The concept shares some feature of sustainable development in that it requires rational and peaceful use, appropriate conservation, management and transmission for future use, which are like the concept of sustainable development. The concept not only constitutes states into trustees but also afford private individual the opportunity of participating in the administration and ownership of the common heritage. The concept has been criticized and opposed by state having rich biological diversity, which can be shared, but despite such criticisms and oppositions, the concept still finds a place in the quest for protection and preservation of the global environment.

4. Challenges of Environmental Governance and Sustainability in Nigeria

- a. *Oil Pollution and Resource Exploitation:* The Niger Delta region has suffered severe oil spills due to weak regulatory oversight and corporate negligence⁵⁹. This has led to loss of biodiversity, health crises, and socio-economic disruptions.
- b. *Deforestation and Desertification;* Deforestation due to logging, agricultural expansion, and urbanization has accelerated desertification in northern Nigeria. The loss of forests contributes to climate change and reduces water availability⁶⁰.
- c. *Poor Waste Management:* Urban centers like Lagos struggle with solid waste management, leading to pollution, flooding, and health hazards. The absence of effective recycling programs worsens the situation⁶¹.
- d. *Weak Policy Implementation and Corruption:* Many environmental laws exist on paper but lack enforcement. Corruption among regulatory officials enables industries to evade compliance, undermining environmental sustainability⁶².

5. Prospects for Improved Environmental Governance in Nigeria

- a. *Strengthening Legal and Institutional Frameworks:* Reforming environmental laws, increasing regulatory funding, and enhancing inter-agency collaboration can improve governance.
- b. *Promoting Community Participation:* Empowering local communities through environmental education and participatory decision-making ensures grassroots involvement in sustainability efforts.
- c. *Leveraging Technology for Environmental Monitoring:* Technologies such as remote sensing, Geographic Information Systems (GIS), and artificial intelligence (AI) can significantly improve the monitoring and regulation of environmental activities. These tools allow for real-time data collection, analysis, and the detection of violations or environmental changes, thereby supporting more effective enforcement measures.

⁵⁸ *ibid.*

⁵⁹ *ibid.*

⁶⁰ *ibid.*

⁶¹ *ibid.*

⁶² *ibid.*

Strengthening collaboration between public institutions and private entities can further amplify the impact of these technologies, leading to better environmental outcomes.

- d. Partnerships: Encouraging partnerships between government, private enterprises, and civil society can improve resource management and accountability

6. Conclusion

The role of legal frameworks in ensuring sound environmental management cannot be overstated. Legislative institutions hold the potential to drive meaningful reform in sustainable environmental governance. As such, there is a pressing need for a comprehensive law dedicated to environmental administration in Nigeria. The country requires a cohesive and integrated strategy for managing its environment. A resilient legal system is essential if Nigeria is to meet its environmental obligations and targets. Reforming the existing structure, while taking into account both economic and social incentives tied to environmental preservation, is essential. Nigeria must adopt a comprehensive, focused legal regime that serves as the foundational statute for environmental governance. In addition, the legislative body must be empowered to not only create effective environmental laws but also champion institutional reforms that support long-term sustainability. Integrating environmental goals into national development planning across all levels of government and embedding sustainability into public policy is crucial. Economic strategies should aim to harmonize development efforts with environmental protection through deliberate and targeted actions.

It is equally important to establish strong institutional mechanisms for monitoring the execution of environmental commitments. An effective legal and administrative structure is required to enforce environmental standards. The law must be leveraged as a tool for social transformation, striking a balance between economic advancement and environmental conservation. While the government often leads in regulating environmental matters, businesses can also play a significant role through voluntary compliance. Many companies prefer to self-regulate environmental practices as it is seen as more flexible and less restrictive compared to government intervention. These internal standards may be applied at the company, industry, or third-party level. For self-regulation to be credible, however, the standards adopted must surpass the requirements of the most stringent official regulations.

In this context, the following recommendations are proposed:

a) **Company-Level Self-Regulation:** Some organizations implement internal environmental standards across their global operations, driven by technical efficiency and cost-effectiveness. Maintaining uniform procedures helps reduce expenses through standardized equipment, design, and staffing across all locations. Additionally, consistency in operational practices supports product quality, especially in global markets where customers expect the same standard regardless of production site. This uniformity is often impossible without shared environmental practices across branches.

b) **Industry Association Standards:** Industry-level environmental self-regulation, whether nationally or internationally, provides companies with the same advantages as individual efforts, with additional benefits. It reduces the financial burden of creating unique policies and ensures a level playing field. Industry associations can also promote environmental standards more efficiently and economically to key stakeholders than individual firms, helping to strengthen public and government trust in the industry's commitment to sustainability.

c) **Cost and Promotional Advantages:** By adopting shared industry standards, companies avoid the competitive disadvantage of individual initiatives. These collective efforts are not only cost-effective but also enhance outreach. Environmental awareness is a growing concern among governments and the general public, and collective advertising by industry groups can be more impactful than isolated campaigns by single companies.

d) **Government Recognition of Industry-Level Self-Regulation:** Governments generally permit businesses to self-regulate environmental issues at the industry level, as environmental concerns are not seen as competitive market issues. This approach supports collaboration without breaching competition laws, enabling industries to improve their environmental performance collectively.

e) **Role of Independent Organizations:** External bodies such as the International Organization for Standardization (ISO) offer independent certification on environmental practices. Though not self-regulatory in the traditional sense, ISO plays a crucial role by setting benchmarks that industries can adopt. The impartial nature of ISO enhances its credibility, and many companies seek ISO environmental certifications in response to market demand, especially from environmentally conscious clients.

f) **Strengthening Legal and Institutional Capacity in the Oil Sector:** There is a need for proactive measures and a stronger legislative and institutional structure to improve oversight in the petroleum sector. In Nigeria, violations often go unpunished due to the availability of legal loopholes for offenders. Countries like Canada enforce strict environmental controls and do not compromise ecological safety for oil production. This model shows that environmental integrity and industrial development can coexist when backed by a strong regulatory system.

g) **Constitutional and Legal Reforms:** It is crucial to revisit national laws, including the 1999 Constitution, to align them with current environmental realities, particularly regarding pollution from hydrocarbon activities. Nigeria should aim to adopt a constitutional and legal framework similar to that of the United States and Canada, where citizens are guaranteed the right to a clean environment. Such legal principles, including subsidiarity, would provide a firm foundation for effective regulation, sustainable environmental goals, and better enforcement.