

Impact of Environmental Rule of Law towards Positive Environmental Outcomes in Nigeria

Authors : Kate N. Okeke

Abstract : The ever-growing needs of man requiring satisfaction have pushed him strongly towards industrialization which has and is still leaving environmental degradation and its attendant negative impacts in its wake. It is, therefore, not surprising that the enjoyment of fundamental rights like food supply, security of lives and property, freedom of worship, health and education have been drastically affected by such degradation. In recognition of the imperative need to protect the environment and human rights, many global instruments and constitutions have recognized the right to a healthy and sustainable environment. Some environmental advocates and quite a number of literatures on the subject matter call for the recognition of environmental rights via rule of law as a vital means of achieving positive outcomes on the subject matter. However, although there are numerous countries with constitutional environmental provisions, most of them such as Nigeria, have shown poor environmental performance. A notable problem is the fact that the constitution which recognizes environmental rights appears in its other provisions to contradict its provisions by making enforceability of the environmental rights unattainable. While adopting a descriptive, analytical, comparative and explanatory study design in reviewing a successful positive environmental outcome via the rule of law, this article argues that rule of law on a balance of scale, weighs more than just environmental rights recognition and therefore should receive more attention by environmental lawyers and advocates. This is because with rule of law, members of a society are sure of getting the most out of the environmental rights existing in their legal system. Members of Niger-Delta communities of Nigeria will benefit from the environmental rights existing in Nigeria. They are exposed to environmental degradation and pollution with effects such as acidic rainfall, pollution of farmlands and clean water sources. These and many more are consequences of oil and gas exploration. It will also pave way for solving the violence between cattle herdsman and farmers in the Middle Belt and other regions of Nigeria. Their clashes are over natural resource control. Having seen that environmental rule of law is vital to sustainable development, this paper aims to contribute to discussions on how best the vehicle of rule law can be driven towards achieving positive environmental outcomes. This will be in reliance on other enforceable provisions in the Nigerian Constitution. Other domesticated international instruments will also be considered to attain sustainable environment and development.

Keywords : environment, rule of law, constitution, sustainability

Conference Title : ICELR 2018 : International Conference on Environmental Law and Regulation

Conference Location : Dublin, Ireland

Conference Dates : July 23-24, 2018