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NIGERIA NATURAL RESOURCES AND SUSTAINABLE DEVELOPMENT: LEGAL PERSPECTIVE

Authors Details

Prof M.N. Obasi. Ph. D[1*]
LLM, LLB, BL, FICMC, ACIA, ANAIP. A Former HOD Commercial Law, HOD International Law and Jurisprudence.

Corresponding Author: *Prof M.N. Obasi. Ph. D*

ABSTRACT: Nigeria's abundant natural resources, including petroleum, gas, solid minerals, and arable land, drive over 80% of government revenue but their exploitation has caused widespread environmental degradation, resource conflicts, and limited benefits for host communities. This study adopts doctrinal analysis of the 1999 Constitution, Petroleum Industry Act 2021, Nigerian Minerals and Mining Act 2007, NESREA Act 2007, Environmental Impact Assessment Act 1992, and Climate Change Act 2021, supplemented by case law and policy documents. The legal regime is fragmented across overlapping federal and state mandates, enforcement by NESREA and other agencies is weak due to underfunding and low penalties, community participation remains limited despite the Host Communities Development Trust in the PIA 2021, and climate obligations under the Climate Change Act 2021 lack operational sectoral guidelines and carbon budgets. While Nigeria has a legal foundation for sustainable resource management, it prioritizes revenue over ecological and social sustainability, undermining intergenerational equity. *It recommendations: * Harmonize resource and environmental laws, strengthen NESREA's enforcement capacity and establish specialized environmental courts, ensure transparent implementation of community trusts, publish and enforce the National Climate

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Change Action Plan and carbon budgets, and amend the Constitution to make environmental rights justiciable with liberal *locus standi.*

1.0 Introduction

Nigeria is endowed with abundant natural resources, including crude oil, natural gas, solid minerals, forests, and arable land, which have historically formed the backbone of the national economy. Despite this wealth, the exploitation of these resources has been characterized by environmental degradation, weak regulatory enforcement, and limited benefits to host communities, raising concerns about the country's commitment to sustainable development. From a legal perspective, sustainable development requires balancing economic exploitation with environmental protection, social equity, and intergenerational justice. Nigeria's legal framework attempts to address this through the Constitution of the Federal Republic of Nigeria 1999, the Petroleum Industry Act 2021, the Nigerian Minerals and Mining Act 2007, the NESREA Act 2007, and the Climate Change Act 2021. However, academic studies reveal that overlapping mandates, fragmented institutions, and weak implementation undermine the effectiveness of these laws Recent scholarship further emphasizes that advancing environmental justice and the rule of law is essential to resolving the resource-conflict nexus and achieving sustainable development in Nigeria. This paper therefore examines the adequacy of Nigeria's legal regime in governing natural resources for sustainable development and proposes reforms to strengthen environmental governance and community rights.

2.0 Legal Framework

2.1 Constitutional Foundation of Natural Resource Ownership

Section 44(3) of the 1999 Constitution vests all minerals, mineral oils, natural gas, and their products in and under land, territorial waters, and the continental shelf in the Federal Government. This "vesting clause" denies states and communities proprietary ownership and centralizes control, which determines how sustainability laws are made and enforced.

2.2 Land Use Act 1978

The Land Use Act vests all land in each state in the Governor, to be held in trust for the people. For sustainable development, land for mining, agriculture, or conservation is state

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land. The Act's rigidity and lack of community consent provisions have fueled conflict between customary holders, investors, and government.

2.3 Petroleum Industry Act 2021

The PIA repealed the Petroleum Act and introduced governance, environmental remediation, and host community development. *Section 235* mandates remediation of oil-impacted sites to "international best practice". *Section 240* creates the Host Communities Development Trust funded by 3% of actual annual operating expenditure. Legally, it shifts from pure revenue capture to environmental and social sustainability.

2.4 Environmental Regulation and the NESREA Act 2021

The National Environmental Standards and Regulations Enforcement Agency Act establishes NESREA to enforce standards on air, water, waste, and biodiversity. For extractive projects, NESREA regulations on effluent limits, air quality, and hazardous waste apply. Overlapping jurisdiction with NUPRC/NMDPRA creates enforcement gaps.

2.5 Environmental Impact Assessment Act 1992

Section 2 makes EIA mandatory before any project likely to affect the environment significantly. The precautionary principle is embedded, and public participation is required under *Section 7*. Weak compliance monitoring and approval of poor EIAs remain challenges to sustainable resource use.

2.6 Niger Delta and Resource Control Litigation

In *A-G Ondo State v. A-G* Federation, the Supreme Court affirmed federal ownership under *Section 44*(3) but upheld 13% derivation for oil-producing states. *A-G Rivers State v. A-G Federation* further clarified derivation. The cases show the legal tension between centralized ownership and local environmental justice.

2.7 Mining and Minerals Act 2007

The Act vests all minerals in the Federal Government and requires licenses for exploration and mining. *Section 116* obliges holders to protect the environment and rehabilitate mined

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land. Poor monitoring of artisanal and small-scale mining undermines sustainability and causes deforestation and water pollution.

2.8 Forestry and biodiversity laws

Forestry is on the Concurrent Legislative List, so both federal and states legislate. Nigeria's National Forest Policy and state forestry laws regulate logging permits and conservation. Nigeria is party to the Convention on Biological Diversity 1992 and CITES 1973. Weak enforcement has led to loss of over 60% of forest cover since 1990.

2.9 Water Resources Act 1993

Section 1 vests control of all surface and groundwater in the Federal Government. The Act allows regulation for equitable use and prevention of pollution. It does not adequately address climate-induced scarcity or competing uses by farmers, herders, and industries, which undermines SDG 6.

2.10 Climate Change Act 2021

The Act establishes the National Council on Climate Change and mandates a carbon budget and 5-year action plans. It domesticates Nigeria's Paris Agreement commitments. For natural resources, it requires low-carbon energy transition, methane reduction in oil/gas, and climate adaptation in agriculture and water.

2.11 The principle of Sustainable Development in Nigerian Courts

In *Jonah Gbemre v. Shell Petroleum Development Co. & Ors* Suit No. FHC/B/CS/53/05, the Federal High Court held that gas flaring violated the right to life and dignity under Sections 33 and 34 of the Constitution. The court implicitly applied sustainable development by balancing economic use of gas against environmental and health damage to host communities.

2.12 Host Community Rights and Benefit Sharing

Beyond PIA's 3% trust, the Land Use Act and Mining Act require compensation for surface rights and disturbance. Communities have no legal right to veto projects, unlike the FPIC

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standard under UNDRIP. This legal gap contributes to conflict and sabotage in the Niger Delta and mining areas.

2.13 Gas Flaring and Energy Transition Laws

The Associated Gas Reinjection Act and the Gas Flare Commercialization Regulations prohibit flaring and provide for penalties. The PIA *Section 108* also mandates gas flaring reduction. Legally this supports SDG 7 and 13, but decades of poor enforcement mean Nigeria still flares billions of cubic meters annually.

2.14 Fiscal Federalism and Sustainability

Section 162 of the Constitution channels oil/mineral revenue to the Federation Account for distribution. This fiscal structure discourages states from developing sustainable non-oil resources like agriculture, solar, and solid minerals, entrenching oil dependence contrary to diversification goals.

2.15 International Law and Treaty Obligations

Nigeria ratified UNCLOS 1982, UNFCCC 1992, CBD 1992, Basel Convention 1989, and the Paris Agreement 2015. Under *Section 12*(1) of the Constitution, treaties must be domesticated to have force. The Climate Change Act 2021 domesticates UNFCCC/Paris goals, creating a legal duty for intergenerational equity in resource use.

2.16 Corporate Governance and ESG Disclosure

CAMA 2020 and SEC's Corporate Governance Code now require directors to consider environmental and social impacts. This aligns with the OECD Principles of Corporate Governance 2023 on board responsibility for sustainability risks. For extractive firms, boards must oversee climate risk, community relations, and disclosure.

2.17 Waste, Pollution, and Circular Economy

NESREA's regulations on e-waste, hazardous waste, and plastic waste promote sustainable resource use and recycling. The Harmful Waste Act criminalizes illegal dumping. Reducing waste pressure on virgin resources is a legal strategy for sustainability, though informal sector integration remains weak.

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2.18 Renewable Energy and Legal Incentives

The Electric Power Sector Reform Act 2005 and NERC Mini-Grid and Renewable Energy Regulations allow IPPs and feed-in tariffs. The Climate Change Act mandates a low-carbon transition. Legally, this diversifies Nigeria's resource base away from oil, but regulatory uncertainty and grid access issues slow deployment.

2.19 Enforcement and Access to Justice Challenges

Section 20 of the Constitution makes environmental protection a "fundamental objective" but not justiciable under *Section 6*(6)(c). Citizens must tie claims to enforceable rights like life under *Section 33*. Underfunded agencies, political interference, and slow courts further weaken enforcement of resource and environmental laws.

3.0 Conceptual framework

3.1 Natural resources

Natural resources are materials and elements occurring in nature that are valuable to human economic activity. They are broadly categorized into renewable resources such as forests, water, and solar energy, and non-renewable resources like petroleum, natural gas, and solid minerals. These resources underpin industrial production, energy systems, food security, and livelihoods globally.

In Nigeria, natural resources form the core of the economy, with petroleum and gas accounting for over 80% of export earnings and government revenue. The country also holds significant deposits of coal, limestone, tin, and arable land. However, the exploitation of these resources has generated environmental externalities including oil spills, deforestation, land degradation, and air pollution, which disproportionately affect rural and host communities.

From a legal standpoint, resource ownership and management are critical. Nigeria's 1999 Constitution vests ownership and control of all minerals, mineral oils, and natural gas in the Federal Government. Subsequent statutes such as the Petroleum Industry Act 2021 and the Nigerian Minerals and Mining Act 2007 regulate exploration, licensing, and revenue sharing. Despite this framework, weak enforcement, regulatory overlap, and limited community participation have undermined sustainable management. The Climate Change

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Act 2021 now imposes additional obligations for emissions reduction and environmental safeguards, linking resource use to climate commitments.

Sustainable management therefore requires integrating legal, economic, and environmental considerations. This includes enforcing environmental impact assessments, ensuring transparent revenue management, and securing the rights of host communities to participate in and benefit from resource extraction.

3.2 Sustainable Development

Sustainable development is defined as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The concept emerged from the 1987 Brundtland Report and was later institutionalized through the UN Sustainable Development Goals in 2015. It integrates three pillars: economic growth, social inclusion, and environmental protection, recognizing that none can be achieved in isolation.

At its core, sustainable development challenges the traditional growth model that prioritizes GDP expansion over ecological limits. It requires balancing resource extraction with regeneration rates, and economic activity with environmental carrying capacity. This approach has become urgent as climate change, biodiversity loss, and resource depletion threaten global stability.

The legal dimension of sustainable development is embedded in international and national law. Principle 4 of the Rio Declaration 1992 states that environmental protection shall constitute an integral part of the development process. Many constitutions, including Nigeria's 1999 Constitution under *Section 20*, now mandate the state to protect and improve the environment for present and future generations.

In practice, sustainable development demands institutional coordination across sectors. Energy, agriculture, transport, and industry policies must align with climate and biodiversity targets. Fragmented governance often undermines this, as seen in countries where environmental agencies lack authority over resource ministries.

Economic tools such as carbon pricing, green taxation, and environmental impact assessments are central to operationalizing sustainability. The Climate Change Act 2021 in

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Nigeria introduces carbon budgeting and mandates emissions reporting, signaling a shift toward market-based and regulatory mechanisms for sustainability.

Social equity is the second pillar. Sustainable development cannot succeed if benefits are concentrated while costs are externalized onto vulnerable communities. Host community participation, benefit-sharing mechanisms, and access to justice are now recognized as essential components. The Petroleum Industry Act 2021 attempts to address this through the Host Communities Development Trust framework.

Environmental protection forms the third pillar. This includes conservation of ecosystems, sustainable use of natural resources, and pollution control. Agencies like NESREA in Nigeria are tasked with enforcing standards, but enforcement gaps persist due to underfunding and political interference.

Sustainable development is also linked to human rights. The right to a clean environment, access to water, and participation in environmental decision-making are increasingly recognized as human rights issues. Courts in several jurisdictions have begun to enforce these rights, expanding the scope of environmental litigation.

Measuring progress requires indicators beyond GDP. The UN SDG framework provides 17 goals and 169 targets covering poverty, health, education, climate, and biodiversity. Countries are expected to align national development plans with these goals and report periodically through Voluntary National Reviews.

Achieving sustainable development in resource-rich countries like Nigeria demands legal reform, institutional strengthening, and genuine community engagement. Without integrating environmental limits and social justice into economic planning, resource wealth risks becoming a driver of conflict and underdevelopment rather than prosperity.

3.3 Intergenerational Justice

Intergenerational justice is the ethical and legal principle that present generations must manage natural resources and the environment in ways that do not compromise the ability of future generations to meet their own needs. It is the equity dimension of "sustainable development" first articulated in the *Brundtland* Report 1987. Legally, it shifts focus from

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short-term exploitation to stewardship, imposing duties of conservation, equitable access, and non-discrimination across time.

Nigeria's Constitution embeds intergenerational concern in *Section 20*, which makes it a "fundamental objective" for the State to protect and improve the environment and safeguard water, air, land, forest and wildlife for all Nigerians. Though not directly justiciable under *Section 6*(6)(c), courts have enforced it when tied to enforceable rights. The Climate Change Act 2021 operationalizes it by mandating a national carbon budget and 5-year climate action plans to protect future climate stability. The Petroleum Industry Act 2021 also reflects it through *Section 235*, requiring oil sites to be remediate to international standards so polluted land is not left as a liability for future generations.

Intergenerational equity was crystallized by Edith Brown Weiss into three principles: conservation of options, conservation of quality, and conservation of access. The UNFCCC Preamble and *Article 3*(1) require parties to protect the climate system "for the benefit of present and future generations". The Paris Agreement 2015 reaffirms this by aiming to hold warming "well below 2°C" to avoid irreversible harm. UNCLOS *Article 193* similarly imposes a duty to protect the marine environment for future use. Through *Section 12*(1) of the Constitution, ratified treaties become Nigerian law once domesticated, as the Climate Change Act did for UNFCCC obligati

Nigerian courts have applied intergenerational logic indirectly. In Jonah Gbemre v. Shell 2005, the Federal High Court held that gas flaring violated the right to life and dignity of host communities. The judgment implicitly protected future generations by ordering cessation of a practice that causes irreversible health and environmental damage. Globally, cases like *Urgenda v. Netherlands* 2019 and *Leghari v. Pakistan* 2015 have enforced state duties to future citizens using human rights and climate laws. The challenge in Nigeria remains *Section 20*'s non-justiciable status, meaning claimants must link intergenerational harm to Sections 33 and 34 to access courts.

Implications for natural resource governance

For Nigeria's oil, gas, minerals, forests, and water, intergenerational justice demands: (1) rehabilitation bonds and remediation funds under PIA and Mining Act to avoid "orphan" sites; (2) FPIC and benefit-sharing so communities are not impoverished for future benefit;

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(3) diversification away from oil dependence to avoid stranded assets for future fiscal health; and (4) measurable carbon budgets under the Climate Change Act to cap cumulative emissions. Legally, the principle transforms resource ownership from absolute control to fiduciary stewardship: government holds resources in trust for present and future Nigerians.

3.4 Environmental Protection

Environmental protection in Nigeria is anchored in *Section 20* of the 1999 Constitution, which makes it a "fundamental objective" for the State to protect and improve the environment and safeguard water, air, land, forest and wildlife for present and future Nigerians. Although *Section 20* is not directly justiciable under *Section 6*(6)(c), it guides legislative and executive action. The National Policy on the Environment 2016 further operationalizes this by setting goals for sustainable resource use, pollution control, and biodiversity conservation.

The principal law is the National Environmental Standards and Regulations Enforcement Agency Act 2007, which establishes NESREA to enforce standards on air quality, water, waste, noise, and biodiversity. Other key statutes include the Environmental Impact Assessment Act 1992, which mandates EIA for projects likely to have significant environmental effects, and the Harmful Waste Act, which criminalizes the dumping of toxic waste. For extractive industries, the Petroleum Industry Act 2021 and Nigerian Minerals and Mining Act 2007 impose environmental duties, including remediation and rehabilitation obligations.

Because *Section 20* is non-justiciable, Nigerian courts have protected the environment by linking degradation to enforceable rights. In *Jonah Gbemre v. Shell 2005*, the Federal High Court held that continuous gas flaring violated the applicants' right to life and dignity under Sections 33 and 34 of the Constitution. Similarly, in *Seismograph Services Ltd v. Akpor 1974*, the Supreme Court awarded damages for oil pollution that destroyed farmland and fishing grounds. This "rights-based" approach allows citizens to challenge environmental harm even when the Constitution does not create a standalone environmental right.

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Nigeria has ratified several treaties that shape domestic environmental protection. The UNFCCC 1992 and Paris Agreement 2015 require action on climate change. The Convention on Biological Diversity 1992 mandates conservation and sustainable use of biodiversity. UNCLOS 1982 imposes duties to prevent marine pollution. Under *Section 12*(1) of the Constitution, treaties only become law when domesticated. The Climate Change Act 2021 domesticated UNFCCC/Paris goals and created the National Council on Climate Change to coordinate mitigation and adaptation.

Despite strong laws, environmental protection is weakened by institutional overlap between NESREA, NUPRC, NMDPRA, and state agencies, underfunding, and weak monitoring. Enforcement is also hampered by political interference and slow litigation. The way forward includes making *Section 20* justiciable through constitutional amendment; harmonizing regulatory mandates; strengthening EIA compliance and post-project audits; and funding the Climate Change Council to meet 5-year carbon budgets. Legally, environmental protection must shift from paper compliance to accountability, so that polluters pay and ecosystems are restored for future generations.

3.5 Social Equity

Social equity is the principle that laws, policies, and public resources should be distributed and applied in ways that are fair and inclusive, especially to groups historically disadvantaged by poverty, gender, geography, or ethnicity. Unlike formal "equality" which treats everyone the same, equity recognizes differential needs and aims to close gaps in access to justice, basic services, and opportunities. In Nigerian law, it is implied in the "Fundamental Objectives" of Chapter II of the Constitution, which directs the State to ensure that material resources are harnessed for the common good and that wealth is not concentrated in few hands.

The 1999 Constitution provides several equity anchors. *Section 14*(2)(b) declares that "security and welfare of the people shall be the primary purpose of government". *Section 17* mandates equal opportunities, protection against discrimination, and provision of healthcare, education, and shelter. For natural resources, *Section 44*(3) vests minerals in the Federation, but *Section 162*(2) requires the principle of derivation to ensure oil-producing states receive at least 13% of revenue. The Petroleum Industry Act 2021

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advances equity through the Host Communities Development Trust, requiring 3% of operating expenditure to fund community infrastructure and development.

Section 42 of the Constitution prohibits discrimination on grounds of sex, religion, ethnic group, or circumstance of birth. Courts have used this to advance equity. In *Mojekwu v. Mojekwu 1997*, the Court of Appeal declared the "Nnewi custom" that barred women from inheriting land as repugnant to natural justice and inconsistent with the Constitution. The National Gender Policy 2006 and the Violence Against Persons Prohibition Act 2015 also operationalize gender equity by criminalizing harmful practices and expanding access to protection orders. For persons with disabilities, the Discrimination Against Persons with Disabilities Act 2018 mandates accessibility and inclusion in public facilities and employment.

Social equity intersects with intergenerational justice. *Section 20* makes environmental protection a state duty "for the benefit of all Nigerians". In *Jonah Gbemre v. Shell 2005*, the court found that gas flaring violated the right to life of host communities, recognizing that poor, rural populations bear disproportionate environmental costs. The Climate Change Act 2021 requires climate action plans to consider vulnerable groups, including women, children, and persons with disabilities. Equity here means that the burdens of pollution and climate impacts are not borne only by marginalized communities while benefits go elsewhere.

Despite these provisions, social equity in Nigeria is limited by non-justiciability of Chapter II under *Section 6*(6)(c), weak enforcement, and uneven federal allocation. Fiscal federalism concentrates resource control at the center, reducing state capacity to deliver equitable services. Reforms needed include making socio-economic rights justiciable, strengthening FPIC and benefit-sharing under PIA and Mining Act, enforcing *Section 42* against discriminatory customs, and using budget and tax policy to redistribute opportunities. Legally, equity demands moving from formal rules to measurable outcomes in health, education, and resource access for the poorest Nigerians.

4. 0. Nigeria Natural Resources and sustainable development: Legal Perspective

Nigeria's natural resources are constitutionally vested in the Federal Government under *Section 44*(3) of the 1999 Constitution, which declares that the entire property and control

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of minerals, mineral oils, and natural gas vest in the state. This centralization was designed to ensure uniform management and equitable revenue distribution, but it has also limited subnational and community participation in resource governance.

The legal framework for petroleum and gas is primarily the Petroleum Industry Act 2021. The Act restructures the sector, unbundles the Nigerian National Petroleum Corporation, and introduces the Host Communities Development Trust to address historical grievances of oil-producing communities. Despite this, implementation has been slow and subject to disputes over funding and governance Solid minerals are regulated under the Nigerian Minerals and Mining Act 2007. The Act vests ownership in the Federal Government and establishes a licensing regime for exploration and exploitation. However, weak enforcement and illegal mining persist, undermining revenue generation and environmental protection.

Environmental protection is a constitutional directive under *Section 20*, which requires the state to protect and improve the environment and safeguard water, air, and land resources. While this provision is non-justiciable, it informs legislation such as the NESREA Act 2007 and the Environmental Impact Assessment Act 1992.

The National Environmental Standards and Regulations Enforcement Agency Act 2007 empowers NESREA to enforce environmental standards, conduct compliance monitoring, and sanction violations. In practice, NESREA faces challenges of funding, capacity, and political interference that weaken its effectiveness.

The Environmental Impact Assessment Act 1992 mandates that public and private projects likely to affect the environment undergo assessment before approval. Non-compliance is widespread, particularly in the extractive sector, where projects proceed without adequate mitigation measures.

Sustainable development in Nigeria gained statutory recognition with the Climate Change Act 2021. The Act sets a target of net-zero emissions by 2060 and establishes the National Council on Climate Change to coordinate policy and enforce carbon budgeting.

Under the Climate Change Act, companies with 50 or more employees must develop emissions reduction plans and submit annual reports to the Council. This introduces corporate accountability into the legal regime, linking resource use to climate obligations.

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Despite these laws, institutional fragmentation remains a major barrier. Overlapping mandates between NESREA, the Nigerian Upstream Petroleum Regulatory Commission, the Ministry of Mines and Steel Development, and state agencies create regulatory gaps and duplication.

Access to environmental justice is limited by the non-justiciable status of *Section 20* and restrictive rules on *locus standi*. Courts have gradually liberalized standing in public interest litigation, but legal uncertainty persists. Host community rights are partially addressed through the PIA's Host Communities Development Trust, which allocates 3% of operational expenditure to community development. Critics argue that the percentage is inadequate and that governance structures are vulnerable to elite capture. Revenue management is governed by the Allocation of Revenue Act and the Federation Account structure. Transparency initiatives such as NEITI have improved disclosure, but leakages and mismanagement remain concerns.

International law influences Nigeria's domestic regime. Nigeria is a party to the Paris Agreement, the Convention on Biological Diversity, and the African Charter on Human and Peoples' Rights, which recognizes the right to a satisfactory environment. The African Charter's environmental provisions have been invoked in Nigerian courts to expand the scope of environmental litigation, particularly in the Niger Delta context. This illustrates the growing role of regional human rights law in resource governance. Sustainable development requires balancing economic exploitation with environmental protection. The legal framework attempts this through EIAs, emissions reporting, and sectoral regulations, but enforcement remains inconsistent.

Climate change has intensified resource conflicts in Nigeria, particularly between farmers and herders over land and water scarcity. The legal response has been fragmented, with no comprehensive law addressing climate-induced displacement and adaptation. Corporate compliance is emerging as a key area. Companies are increasingly expected to align with ESG standards, ESG reporting requirements of the Nigerian Exchange Group, and international due diligence norms.

Judicial trends show greater willingness to consider environmental harm in tort and public nuisance cases, though remedies remain limited and slow. Strengthening specialized environmental courts could improve access and expertise.

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Legal reform should focus on harmonizing statutes, clarifying institutional mandates, and making environmental rights justiciable. Constitutional amendment to *Section 20* would provide a stronger basis for litigation and accountability.

In conclusion, Nigeria possesses a broad legal framework for managing natural resources and promoting sustainable development, but gaps in enforcement, participation, and coordination undermine its effectiveness. Integrating climate obligations, strengthening community rights, and improving access to justice are essential for aligning resource governance with sustainability goals.

5.0 Conclusion

Nigeria's natural resource wealth holds significant potential to drive economic growth, reduce poverty, and advance sustainable development, but the legal framework governing these resources remains fragmented, under-enforced, and poorly integrated with environmental and social objectives. While the 1999 Constitution, Petroleum Industry Act 2021, Nigerian Minerals and Mining Act 2007, NESREA Act 2007, and Climate Change Act 2021 provide a foundation for resource management and environmental protection, gaps in institutional coordination, weak enforcement mechanisms, and limited community participation continue to undermine sustainability outcomes.

For sustainable development to be realized, Nigeria must harmonize its resource and environmental laws, strengthen the capacity and independence of regulatory agencies, make environmental rights justiciable, and ensure transparent, inclusive implementation of host community provisions. Aligning national policy with climate obligations and the Sustainable Development Goals will also be critical to balancing present economic needs with intergenerational equity. Without these reforms, the exploitation of natural resources risks perpetuating environmental degradation, social conflict, and economic dependence rather than securing long-term prosperity.

6.0 Recommendations

From the foregoing, it is hereby recommended as follows:

1. Harmonize and Consolidate Laws: Nigeria's resource and environmental laws are spread across multiple statutes with overlapping mandates. A single omnibus

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framework or clear legislative harmonization between the PIA 2021, Minerals and Mining Act 2007, NESREA Act 2007, and Climate Change Act 2021 would reduce duplication and regulatory gaps.

2. Strengthen Institutional Capacity and Independence: Agencies like NESREA, NUPRC, and the National Council on Climate Change need adequate funding, technical capacity, and political independence to enforce compliance. Establish a dedicated environmental enforcement unit with prosecutorial powers to address violations effectively.

3. Make Environmental Rights Justiciable: Amend *Section 20* of the 1999 Constitution to make the right to a healthy environment enforceable. This would expand access to environmental justice and strengthen public interest litigation against polluters and non-compliant operators.

4. Operationalize Community Participation and Benefit Sharing: Ensure full implementation of the Host Communities Development Trust under the PIA 2021 with transparent governance structures. Mandate inclusion of women, youth, and civil society in trust boards to prevent elite capture and ensure benefits reach affected communities.

5. Integrate Climate Obligations into Resource Governance: Publish and enforce the National Climate Change Action Plan and sectoral carbon budgets as required by the Climate Change Act 2021. Link licensing and operations in extractive sectors to compliance with emissions reduction targets.

6. Strengthen Environmental Impact Assessment and Monitoring: Make EIA compliance a pre-condition for project financing and operations. Introduce independent third-party monitoring and real-time disclosure of EIA reports to improve transparency and public oversight.

7. Establish Specialized Environmental Courts: Create specialized environmental courts or divisions within existing courts to handle technical environmental and resource disputes efficiently. This will improve expertise, reduce delays, and enhance deterrence.

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8. Enhance Transparency and Accountability: Expand the mandate of NEITI to cover all natural resource sectors and enforce mandatory disclosure of contracts, licenses, and beneficial ownership. Align reporting with the Extractive Industries Transparency Initiative standards.

Implementing these recommendations would align Nigeria's legal regime with the principles of sustainable development, balancing economic exploitation with environmental protection and social equity.

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