APPRAISAL OF THE LEGAL FRAMEWORK ON ENVIRONMENTAL PROTECTION IN RELATION TO CITIZENS' HEALTH IN NIGERIA

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Abstract

The quality of life a man lives cannot be separated from the condition of the environment where a man dwells. Each affects each other. The interaction of man with his environment has a direct influence on his health positively or negatively. Thus, environmental protection is pivotal to achieving sustainable health condition for all Nigerians as they continue their exploration and exploitation of their environment. This article using the doctrinal research method discusses the concept of environmental protection, appraises the legal framework on same in relation to health in Nigeria and finds it ineffective. The medical perspective on environmental protection, health prospects of environmental protection are also highlighted before calling for a holistic approach on the part of Nigerian government to prioritise citizens' health in the business of environmental protection, enforce laws, fund institutions and create environmental awareness and literacy. This paper concludes that right to a healthy environment be accorded the status of fundamental right.

Keywords: Appraisal, Citizens' health, Environmental protection, Legal framework, Health prospects

Introduction

Environmental protection as expressed is a comity of words. 'Environment' which is the base word for 'environmental' means 'ambient and indoor air, surface water and ground water (including potable water, navigable water and wetland), the land surface or subsurface strata, natural resources such as flora and fauna, the workplace or as otherwise defined in any Environmental Law'.[306] 'Environmental' as an adjective here means 'relating to the natural world and the impact of human activity on its condition' or 'relating to or arising from a person's surroundings', or 'relating to all things that surround us and influence our lives…'[307]Protection in law has been defined as 'to shield from injury or having public health and safety' or 'to secure or preserve against encroachment, infringement, restriction or violation'[308]From the above, environmental protection seems to mean the practice of protecting the natural environment by individuals, organisations and government to conserve natural resources, the existing natural environment, and where possible to repair damages and reserve trends. The key aim of environmental protection is to prevent the degradation of the natural environment which is affected by increasing population, technology and overconsumption, all of which have created a negative impact on the environment and continue to put humans and animals at risk.[309]

Environmental protection is the responsibility of individuals, organisations and government. However, it is believed that the government should take the lead in this holy task because the environment has a great impact on citizens' health in Nigeria. Among the fundamental objectives and directive principles of state policy in the Nigerian Constitution is the protection of the Nigerian environment. The Constitution of the Federal Republic of Nigeria 1999 provides that: 'The state shall protect and improve the environment, and safeguard the water, air and land, forest and wildlife of Nigeria'[310]. Though this provision has been adjudged as non-justiciable yet, it serves as potential responsible bedrock for a nation like Nigeria to act in protecting the environment and then encourage her citizens to follow suit. Moreso, Nigeria is a signatory to several international

306 Environment definition <https:/www.lawinsider.com/dictionary/environment>. (accessed 20 February 2026)
307 Environmental definition <https:/www.dictionary.com> (accessed 20 February 2026)
308 Definition of protection <https://www.dictionary.findlaw.com/definition/protect.html> (accessed 20 February 2026)
309 What is environmental protection all about? <https:/www.studymalaysia.com/education/top-stories/what-is-environmental-protection-all-about> (accessed 20 February 2026)
310 See Section 20 of the 1999 Constitution of the Federal Republic of Nigeria (as amended)

treaties bothering on the protection of the environment. The understanding that man has been given dominion over the environment is settled.[311] Sequel to the above, it is submitted that every quest of man for development will one way or the other alter the environment. Whatever therefore affects the environment will invariably affect the quality of life that everything depending on the environment will get.

This quality of life covers our health, nutrition, atmospheric condition, productivity, and life expectancy among other things. In the past, the three components of the environment [air, soil, and water] were pure, uncontaminated and hospitable. However, the reverse is the case today as progress in science and technology and other quest for development are leading to environmental degradation and serious ecological imbalance which in the long run, may prove disastrous for mankind.[312]Facing such assaults, the environment cannot be its own advocate; it needs human voices and human action.[313] Following the increase in global population, the demand for natural resources increases and consequently, pollution increases. The degradation of the environment has continued to generate conflicts among various communities in Nigeria and all over the world. The discovery of oil, subsequent growth in the industry and massive importation of goods had brought about increasing negative environmental impacts. What brought about the consciousness of environmental protection in Nigeria was the incident of Koko Port in the Niger Delta Region.[314]The chief beneficiary of Environmental Law and Protection is mankind since the laws are designed to improve mankind's living conditions. Unless checks and balances are imposed on mankind's present activities, both present and future generations may unduly suffer for the reckless environmentally damaging activities of this present generation.[315]As the health of Nigerians cannot

311 See generally Genesis Chapter 1 verses 27 to 29 where it could be gleamed that man has the divine mandate to explore and exploit the earth

312 S, Yahaya M, Bello and A Muhammed, 'An overview of the Environmental Protection in Nigeria: Issues and Challenges' [2012] *Bokolori Journal of General Studies*, 2 (2) 3258.

313 Ibid 3259

314 In 1988, a large consignment of toxic waste of Italian origin was dumped in the Port Town of Koko. Many people in the area suffered from strange diseases and death toll was mounting on daily basis. This incident constituted a major catalyst for the Nigerian government to act in order to protect the Nigerian environment. This resulted in the creation of the Federal Government Protection Agency (FEPA) by Decree 58 of 1988 and strengthened by Decree 59 of 1992. See father Ladapo, O.A 'The contribution of Cartoonists to Environmental Debates in Nigeria: The Koko Toxic Waste-Dumping Incident' In: 'Eco Images: Historical Views and Political Strategies" edited by Gisela Parak, RCC Perspectives 2013 (1), 61-71.

315 S.G Ogodo, 'Environmental Protection in Nigeria: Two Decades after the Koko Incident' [2009] *Annual Survey of International and Comparative Law*, 15 (1) (2) 4

be separated from the kind of environment they live in, this article seeks to discuss the concept of environmental protection, and appraise the legal framework on environmental protection in relation to citizens' health. This work also looks at the medical perspective on environmental protection with a glimpse at the health prospects of environmental protection before calling for improvement on the Nigerian government in enforcing environmental laws for the protection of citizens' health.

The Concept of Environmental Protection in Nigeria and the challenges

According to Fagbemi, 'The environment is the totality of the places and surroundings in which we live, work, and interact with other people in our cultural, religious, political, and socio-economic activities for self-fulfilment and advancement of our communities, societies and nation. Due to the importance of a healthy environment to human health and total wellbeing, clean environment free from all pollution is indispensable. Unsafe environment is one of the factors responsible for human ill-health, animal and even death globally due to pollution and indeed air pollution'[316]The National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007 gave the definition of the environment as

'Water, air, land and all plants and human beings or animals living therein, and the interrelationship which exist among them'[317]

From the above descriptions of the environment, it is safe to conclude that the environment is the sum total of all living and non-living elements and their effects that influence the life of man. It is clear that environment offers resources for production; it includes all things (sun, soil, air, water) which are essential for human life based on how man handles his environment as he interacts with it to obtain food, water, fuel, medicine, building materials and many other things through advances in science and technology. The environment and its wonderful species existed peacefully even before human habitat. The turmoil began after the dawn of human civilization and industrialisation when humans began to use the environment as a means to an end without giving much thought to the consequences of the abuse and respect that it should give to the environment as the facilitator

316 S.A Fagbemi 'Right to Clean and Unpolluted Air in Nigeria' [2020], *A JLHR* 4(1) 63

317 See section 37 of the Act. This Act repealed the Federal Environmental Protection Agency Act CAP 131 LFN 1992

of life on earth.[318]Having seen the pivotal place the environment occupies in the existence of man, the protection of the environment then becomes the ultimate responsibility of every right thinking and future oriented individuals, organisations and governments.

Environmental protection refers to the practices and policies aimed at safeguarding the natural environment from degradation and pollution. This field encompasses efforts to preserve biodiversity and maintain ecological balance, which are vital for sustaining life on earth.[319]This concept has also been described as the prevention of unwanted changes to ecosystem and their constituent parts.[320] Environmental protection focuses on solving problems arising from interaction between humans and environmental systems and includes issues related to conservation, pollution, loss of diversity, land degradation or environmental policy. The key aim of environmental protection is to prevent the degradation of the natural environment which is affected by increasing population, technology and overconsumption, all of which have created a negative impact on the environment and continue to put humans and animals at risk.[321] Another element of environmental protection is resource management – the way humans interact with the natural world in order to protect and preserve natural ecosystems. This may involve the consideration of ethical, economic, and ecological variables in order to limit environmental degradation. Some of the biggest problems in environmental protection today are related to fossil fuels which are related to pollution, climate change, and natural resource depletion. Another environmental issue that has been gaining prominence is water pollution by plastics, which has had a harmful impact on marine life and ecosystem.[322]

Environmental protection includes programmes that are aimed at reducing risks to the environment from contaminants such as hazardous materials and wastes, fuels and oils. These programs address pollution prevention measures and regulatory compliance by providing procedures for safely

318 S. Veda and S.B Ravi, 'The Importance of Environment to Human Life' [2021] *World Environmental Day, Social Dhara, Our Society, Our World*. Available at <https:/socialdhara.com> (accessed 21 February 2026)

319 Environmental protection <https://www.unesco.org/en/query-list/environment-protection> (accessed 21 February 2026)

320 Environmental Protection-an overview. Available at <https://www.sciencedirect.com/topic/earth-and-plenary-services/environmental-protection> (accessed 21 February 2026)

321 What environmental protection is all about? <https://www.studymalasia.com/education/top-stories/what-is-environmental-protection-all-about> (accessed 21 February 2026)

322 Ibid

working with those materials, inspecting the storage vessels and location, and designating preventive maintenance procedures. Also included are environmental emergency plans, which provide the appropriate actions to be taken in the event of a spill or release.[323]Practicing environmental protection is everyone's responsibility because we all have impact no matter how little. Keeping our little corner of the planet clean, sustainable and green may seem daunting at time, but the small steps and measures by each one will eventually add up. The protection of the environment is caring for the environment at individual, organisational and governmental levels for the benefit of the natural environment, and future generation. As a result of increase in global population, the demand for natural resource increases and consequently pollution increases. When this happens there is environmental degradation which could be temporal or permanent.

In Nigeria, environmental pollution is a serious problem, with the Niger Delta facing some of the worst cases of environment degradation known to man due to oil industry activities, and places like Lagos having to deal with astronomical heap of garbage blocking many natural inland waterways in the state.[324]Major among the challenges of the oil and gas industry in Nigeria is the negative impact it has on the environment. The activities of oil and gas industry and other manufacturing companies have devastated the environment through oil and gas deposits which have extremely depleted the forests, abundant wildlife, mangroves and fertile agricultural land where rice, sugar cane, plantain, beans, palm oil, cassava and timber ought to be planted hence, leaving the people with no alternative source of livelihood. Their activities, aside from environmental degradation, have also destroyed the traditional livelihood of those regions. Environmental pollution has affected weather condition, soil fertility, water ways, aquatic habitats and wildlife. The growth of the oil industry combined with population explosions and lack of adequate implementation of environmental regulations are responsible for environmental degradation.[325]

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18 Environmental Protection/Environmental Health and Safety. Available at <https://ehs.psu.edu/environmental-protection> (accessed 21 February 2026)

324 The Legal Framework Governing Environmental Protection in Nigeria Available at <https://www.tekedia.com> (accessed 21 February 2026)

325 M. Faja and U Uchechukwu, 'Oil Exploration, Environmental Degradation and Future Generations in the Niger Delta: Options for Enforcement of International Rights and Sustainable Development through Legal and Judicial Activism' [2021] *Journal of Environmental Law and Litigation*. 34 (185) 194

Those various activities accounting for deleterious condition for the environment include oil spillages, gas flaring and seismic movement causing tremors.[326] Gas flaring constitutes a major source of air pollution in the Niger Delta.[327]This leaves damage on plant, animal and human life. Consequently, agricultural production is reduced as increased atmospheric temperatures scorch plants and animals in the vicinity of the flares. Gas flaring also causes corrosive effect of acid rain which results in deadly diseases affecting the respiratory tract, central nervous system and blood stream. Oil spillage is the most prevalent form of marine pollution due to the negligence of oil companies and sabotage by criminal elements in the Niger Delta. Also, most activities that affect marine life cause land pollution. For instance, it is common to find abandoned oil wells in different localities in that area which is a source of pollution to arable land in the region. Various pollutants are found at the sites of these wells including drilling waste, drill cuttings, oily sludge and other hazardous chemicals.[328]

Against this background, environmental protection has become one of the core issues that need to be addressed to battle climate change and global warning. Sustainable development is the need of the hour that can save the mother earth from the repercussions of industrialisation. The means of environmental protection can be effectively facilitated through forest conservation, soil conservation, waste management and pollution control. Environmental protection therefore can only be achieved through laws, strong institutions, and enforcement of those laws without fear or favour.

Legal Framework on Environmental Protection and Health in Nigeria

The law in Nigeria has attempted to redress the abuse of the environment through the criminal law process[329] or through civil remedies or through the operation of administrative law. Civil remedy is enforced through the law of tort to prohibit activities causing harm to the environment and where

326 See *Seismograph Servs. (Nig) Ltd* v *Ogbeni* [1976] 4SC 18, 26. See also *Compagnie Genrralade Geophysique (Nig) Ltd* v *Asaagbara* [2001] 1 NWLR (Pt 693) 155, 156 and *Compagnie Genrralade Geophysique (Nig) Ltd* v *Amaewhule* [2006] 3 NWLR (pt 967) 282,284

327 Gas flaming is the natural process associated with drilling crude oil from the ground which results from burning-off of extra gases producing 'sulfur dioxide, nitrogen dioxides, benzapryene, toluene, xylene and hydrogen sulfide' See further E. Ukala, 'Gas Flaring in Nigeria's Niger Delta: Failed Promise and Reviving Community Voices' [2010], *Journal of Energy Climate and Environment* 2 (97), 101

328 S.A Fagbemi 'Right to Clean and Unpolluted Air in Nigeria' [2020], *A J L H R* 4(1) 61

329 See Sections 245and 247 of the Criminal Code Act CAP C 38 LFN 2004

harm is done, to ensure that compensation is paid appropriately.[330] Extensively, we have the common law and the legislative regime on environmental protection in Nigeria.[331] The various legislative interventions for the protection of the Nigerian environment are discussed in this section:

National Environmental Standards Regulations and Enforcement Agency (Establishment) Act 2007 (NESREA Act)[332]

The Act repealed the Federal Environmental Protection Agency Act to consequently become the primary law on environmental protection in Nigeria. The NESREA Act established a corporate entity known as the National Environmental Standards and Regulation Enforcement Agency and charged the agency with the enforcement of environmental standards, regulations, rules, laws, policies, and guidelines. Section 2 of the Act which covers the objectives of the Agency provides as follows:

> The agency shall subject to the provision of this Act, have the responsibility for protection and development of the environment, biodiversity conservation, and sustainable development of Nigeria's natural resources in general and environmental technology, including coordination and liaison with relevant stakeholders within and outside Nigeria on matters of enforcement of environmental standards, regulations, rules, laws, policies, and guidelines.

The Agency is armed with a wide range of powers with a view to making its operations more effective. In the sphere of environmental protection, the Agency can prohibit processes and use of

330 The legal protection of private persons and property rights at common law which gives liability for environmental pollution in civil law is mostly based on actions in the tort of trespass to land, nuisance, negligence and the rule in *Rylands v Fletcher* and these deal with liability for damage caused by the escape of noxious substances from the land.
See M.O Erhun, 'A Legal Framework of Sustainable Environmental Governance in Nigeria' [2015] *E. Journals, Canadian Academy of Oriental and Occidental Culture* 26

332 The Act establishing NESREA was amended in 2018 to accommodate changes in the conditions of appointment of council members, stiffer penalties for defaulters, and other related matters. The amended Act gives the agency discretionary powers and authority to promptly tackle perceived environmental threats, pollutants, and other vices. Under the amended Act, law officers of the agency can go ahead and carry out their duties particularly where delay may pose threat to human life and the environment.

equipment or technology that undermine environmental quality[333]It can also conduct field follow-up compliance with set standards and take procedures prescribed by law against any violator.[334]This Agency is the major federal body responsible for enforcing all environmental laws, regulations, guidelines, and standards in Nigeria. This includes enforcing environmental conventions, treaties, and protocols to which Nigeria is a signatory.

The Environmental Impact Assessment Act[335]

The Act commenced operations on the 10th of December 1992 with a view to restricting public and private projects carried out without proper assessment of the impact of such projects on the environment.[336] This environmental impact assessment is mandatory for activities in all sectors[337]of the economy, including agriculture, airports, drainage and irrigation, land reclamation, fisheries, forestry, housing, industry infrastructure and ports, mining, petroleum, power generation and transmission, quarries, railways, transport, resort and recreational development, waste treatment and disposal, and water supply. Entities must consider in advance the environmental effects of any public or private projects and are required to make an environmental impact assessment. This is particularly important where the extent, nature, or location of a proposed project or activity is such that is likely to significantly affect the environment. Any person who fails to comply with the provisions of the Act commits an offence and is liable on conviction to fine or to a term of imprisonment up to five years. Fines are also imposed on offending firms or corporations.[338] In summary, this law sets out the general principles, procedures and methods of environmental impact assessment in various sectors.

Harmful Waste (Special Criminal Provision etc) Act[339]

This Act prohibits the carrying, depositing and dumping of harmful waste on land and in the territorial waters. In the Act, harmful waste means ‘any injurious, poisonous, toxic, or notorious substances and in particular, includes nuclear waste emitting any radioactive substance if the waste is in such quantity, whether with any other consignment of the same or of different substance, as

333 See section 8(d) of the NENSREA Act
334 See section 8(e) of the NENSREA Act
335 CAP E 12 LFN 2004
336 See section 2 of the EIA Act
337 See section 13 of the EIA Act
338 See section 60 of the Act
339 CAP H1 LFN 2004

to subject any person to the risk of death, fatal injury or incurable impairment of physical or mental health, and the fact that the harmful waste is placed in a container shall not by itself be taken to exclude any risk which might be exposed to arise from the harmful waste.'[340] Section 1(2) of the Act in prohibiting activities relating to harmful waste provides that:

> As from the commencement of this Act, any person who without lawful authority:
> a) carries, deposits or dumps or cause to be carried, deposited or dumped, or is in possession of carrying, depositing or dumping, any harmful waste on any land or in any territorial waters or contiguous zone or exclusive economic zone of Nigeria or its inland waterways; or
> b) transports or causes to be transported or is in possession for the purpose of transporting any harmful waste; or
> c) imports or causes to be imported or negotiates for the purpose of importing a harmful waste; or
> d) sells, offers for sale, buys or otherwise deals in any harmful waste is guilty of a crime under this Act

Under the Act, a person shall be deemed to have deposited or dumped harmful waste in such circumstances or for such period that he may be deemed to have abandoned it where it is deposited or dumped or to have brought it to the place where it is so deposited for the purpose of being deposited or abandoned.[341] The penalty for the offences created under this Act is life imprisonment and forfeiture of any property used in committing the offence to the Federal Government.[342]

Endangered Species (Control of International Trade and Traffic) Act[343]

This provides for the conservation and management of wildlife and the protection of endangered species, as required under certain international treaties. The Act is to provide for the conservation and management of Nigerian wildlife and the protection of some of her endangered species in danger of extinction as a result of over–exploitation. The Act prohibits the hunting or capture of or trade in the animal species specified in the first schedule to the Act (being animal species threatened with extinction.)[344] Also, the Act prohibits the hunting, capturing, trading in or

340 See section 15 of the Act
341 See section 1(3) (a) and (b) of the Act
342 See section 6 of the Act
343 CAP E9 LFN 2004. The Act was amended in 2016. Section 5 was specifically updated to increase penalties for oil companies
344 See section 1 of the Act and the First Schedule of the Act for the list of the animal species.

otherwise dealing with animal species specified in the Second Schedule to the Act (being animals which though not necessarily now threatened with extinction may become so threatened unless trade in respect of such species is controlled) except he is in possession of a license issued under the Act.[345] Any person who contravenes the provision of the Act will be liable to punishment in fines or forfeiture of any specimen, vehicle or equipment used in the commission of the offence to the federal government.[346]

National Oil Spill Detection and Response Agency Act 2006[347]

The objective of this law is to put in place machinery for coordination and implementation of the National Oil Spill Contingency Plan for Nigeria to ensure safe, timely, effective, and appropriate response to major or disastrous oil pollution, to identify risk areas as well as priority areas for protection and clean up and so on.[348] The Act created an Agency to be known as National Oil Spill, Detection and Response Agency with its composition and duties. This federal agency operating under the ministry of environment is to manage, detect and respond to oil spills in Nigeria. The agency is mandated to implement the National Oil Spill Contingency Plan alongside enforcing environmental legislations in alignment with International Convention on Oil Pollution Preparedness Response and Cooperation (OPRC 1990)[349] The Act established a board to oversee the agency's operations and ensure accountability.[350] The board referred to as 'the center' in the Act is to receive all report of oil spillages from the zonal offices and control unit of the agency.

National Park Services Act[351]

This Act makes provision for the conservation and protection of the natural resources and plants in natural parks. The Act establishes the National Park Services and its governing board[352] to preserve, enhance, protect, and manage vegetation and wild animals in the park and to advice the Federal Government on the development and preservation policy of the national park and areas to

345 See section 2 of the Act and the Second Schedule to the Act for the list of the animal species.
346 See section 5 of the NOSDRA Act generally.
347 No 15 of 2006
348 See section 5 of the Act for comprehensive objectives of the Agency.
349 See section 1, 2, 3, 4, 6, and 7 of the Act
350 See section 18 of the Act
351 CAP N65 LFN 2004
352 See section 1 – 4 of the NPS Act

be declared as national parks for the purpose of the Act.[353] Under the Act, there are provisions on restriction on entry into the National parks, hunting, weapons, prohibition of domestic animals in the national park, prospecting for genetic materials in National Park, aiding and abetting of offences as well as penalties for offences.[354]

Nigeria Minerals and Mining Act 2007 (NMMA Act)[355]

This Act was re–enacted for the purpose of regulating all aspects of exploration and exploitation of solid minerals in Nigeria. The Act makes provision that a holder of a mining lease shall in the exercise of his right under the lease have regards to the effect of the mining operations on the environment and takes such steps as may be necessary to prevent pollution of the environment resulting from mining operations. It also prohibits the pollution of waters by mining operations.[356] Specifically in section 123 of the Act, 'No person shall in the course of mining or exploration for minerals pollute or cause to be polluted any water or watercourse in the area within the mining lease or beyond that area'[357]

Water Resources Act[358]

This law aims at promoting the optimum development, use and protection of water resources. The Act provides that the diversion, storage, pumping or use on a commercial scale of any water or the construction, maintenance, operation, repair of any borehole or any hydraulic works shall be carried out only in accordance with a license issued pursuant to the Act or any regulation made thereunder.[359] A breach of this provision amounts to an offence. The Act vests the right to use and control all surface and groundwater and all water in any watercourse affecting more than one state together with the banks and beds thereof in the Federal Government for the purposes of promotion of planning, coordination of activities likely to influence the quality, quantity, use, distribution and management of water; the application of appropriate standards and techniques for use, protection

353 See section 7 of the NPS Act
354 See Sections 29 to 35 of the Act
355 The Act was passed into law on March 16 2007 to repeal the Minerals and Mining Act, No 34 of 1999.
356 See Sections 98, 107, 118, and 124 of the Act as connecting to environmental protection and payment of compensation to the owners or occupier of the land where mining activities are being carried out.
357 Section 123 of the NMMA Act
358 CAP W2 LFN 2004
359 See Section 9 of the Act

etc.; and technical assistance and rehabilitation for water supplies.[360] The Secretary of Water Resources is empowered to control the use or taking of groundwater by various means including defining the places from where and means by which it can be abstracted; fixing of limits on amounts used; prohibiting the taking or use of water from particular sources to protect health etc. In discharging his duties, the secretary is required to have regard for a number of matters, including the need to make provision for adequate supplies of water, control of flooding, the reclamation of land, the protection of inland fisheries, flora, and fauna etc.[361]

Nuclear Safety and Radiation Protection Act[362]

This Act regulates the use of radioactive substances and equipment emitting and generating ionizing radiation. In particular, it enables the making of regulations for protecting the environment from the harmful effects of ionizing radiation. The Act established the Nigerian Nuclear Regulatory Authority and its Governing Board and the National Institute of Radiation Protection and Research.[363] It also provides for the control of ionizing radiation and the exploration etc., of materials containing radioactive substances and the packing and transportation of radioactive material and radioactive waste.[364]

Oil in the Navigate Waters Act[365]

This is concerned with the discharge of oil from ships. It prohibits the discharge of oil from ships into territorial waters or shorelines. By Section 1 of the Act, an offence is committed when oil is discharged from a Nigerian ship into part of the sea which is prohibited sea areas or if any mixture containing not less than 100% of oil is discharged from such a ship into that part of the sea. The Act also forbids the owner or master of vessel or occupier of a place on land or the operator in charge of an apparatus from transferring oil from a vessel and discharging same into Nigerian territorial waters. It is the mandate of the law as well that oil pollution prevention and control equipment be installed on ships in accordance with the regulations made under the Act.[366]

360 See Section 1 of the Act
361 See Section 4 and 5 of the Act
362 1995 No 19. The Act came into operation on the 3rd day of August 1995. It was last amended on the 25th day of February 2013.
363 See Section 1 – 7 of the Act
364 See specifically sections 15, 30 – 36 of the Act
365 CAP 06 LFN 2004
366 See the provisions of Sections 1, 3, 5 (5) and 6 of the Act

Oil Terminal Dues Act[367]

This legislation essentially deals with discharge or unloading of oil at oil terminals. The objective of the law is to ensure that in the course of such operations, oil is not discharged or spilled into our territorial waters which could pollute them.[368]

Oil Pipelines Act[369]

Section 14 of this Act provides that a license for the establishment and maintenance of an oil pipeline shall not unless expressly permitted, be exercised in such a manner to affect the flow of water required for domestic, industrial, or irrigational use or make such deposit in the water way that could cause flooding or erosion.[370]

The National Health Act 2014

This is an Act which provides a framework for the regulation, development and management of a national health system and sets standards for rendering health services in the Federation. The law in section 2(1) (1) places responsibility on the Federal Ministry of Health to promote availability of good quality, safe and affordable essential drugs, medical commodities, hygienic food and water. Under section 4 of the law, the National Council on Health was established as the highest policy making body on matters relating to health. The council shall have the responsibility for the protection, promotion, improvement and maintenance of the health of the citizens of Nigeria. Though the provision above did not specifically mention the protection of the environment, nevertheless issues of environmental protection can be read into the responsibility of the council.

The Climate Change Act 2021

Added to the litany of laws in Nigeria is the Climate Change Act, 2021 which provides for an all–inclusive and comprehensive regulatory and legal framework for achieving Nigeria's long term climate goals which encompasses a net–zero carbon emission target, adequate climate financing, environmental, and economic accountability and championing/prioritising climate change

367 CAP 08 LFN 2004

368 Section 6 of the Act created an offence similar to those on sections 1 and 3 of the Oil in Navigate Waters Act. Hence the provision of these laws complemented each other

369 CAP O7 LFN 2004

370 Ibid, section 14

obligations.[371] The Act also established the National Climate Council as a body saddled with the responsibility of implementing Nigeria's Climate Change action.[372] In seeking to ensure that the provisions of this Act on carbon emissions are complied with, the Act imposes various degrees of required compliances from governmental agencies, and private entities alike.[373] The birth of the Climate Change Act 2021 is commendable.

It is abundantly clear from the provisions of all the laws in Nigeria that the purpose and spirit behind all these legislations are good. The laws are aimed at protecting and safeguarding our environment and to live healthy lives. However, the existence of these laws is different from their effective usage and enforcement where the need calls for it. Aside from the above domestic laws operating in Nigeria, there are several other international treaties signed by Nigeria that bother on the protection of the environment. A few of these treaties are as follows:

(a) International Convention on Oil Pollution Preparedness Response and Cooperation.[374]

(b) Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water[375]

Treaty on the Non-Proliferation of nuclear weapons[376]

(c) African Convention on the Conservation of Nature and Natural Resources[377]

(d) United Nations Convention on the Law of the Sea[378]

(e) Convention on Biological Diversity (Rio Conference)[379]

(f) International Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa.[380]

371 See Section 1(f) of the Act

372 See Section 3(1) – (4), 4, 5, and 6 of the Act for a detailed function and composition of the council.

373 See Sections 22 – 29 of the Act.

374 [OPRC 1990].

375 Entered into force on 17th of February 1967 but was signed by Nigeria on 2nd September 1963

376 Entered into force on 5th March 1970 but signed on 1st July 1968

377 Entered into force on 7th June 1974 but signed on 15th September 1968

378 Signed on the 10th December 1982 but came into force on the 16th November 1994

379 Signed on 13th June 1992 but came into force on the 27th November 1994

380 This treaty was signed by Nigeria on 31st October 1994 but came into force on the 26th December 1996. A list of these treaties is available at <https://www.laws.lawsnigeriamcom/2018/02/23/center-for-treaties-of-Nigeria-environmental-matters/> (accessed 21 February 2026).

A good number of the above international instruments too are aimed at protecting the environment for the health of the citizens in various states that are parties to the treaties. In both domestic and international laws in this respect, several institutions have been created by law and saddled with awesome responsibilities on paper. However, the challenge of most of these legal instruments is how to practically enforce their provisions to holistically realise the intendments of these laws. Having good laws without strong institutions that are ready to work cannot fulfil the purpose of these laws. The Supreme Court had held that law is meant to provide peace, security, protection, concord and peaceful coexistence among the citizens.[381] Laws are meant to be obeyed once law makers make a law and this can only be possible when laws are enforced.[382] The total picture around Nigeria is that there are fundamental failures owing to weakness of the institutions created by these laws, lack of political will and policy challenge on the part of the government, corruption and technical deficiency among other things. Despite the existence of these laudable legislations aimed at protecting different aspect of the environment, environmental degradation has continued with impunity on the part of individuals, organisations and government on a very reckless scale.

Environmental Protection and Health: Medical Perspective and Legal Position

Health is often understood in different ways by different people. In 1948, the World Health Organisation (WHO) defined health as 'a state of complete physical, metal, and social wellbeing and not merely the absence of disease or infirmity'.[383]Wellbeing includes people's satisfaction with life, and their feelings that the things they do in life are worthwhile and their positive and negative emotions. An individual's health is recognised an important component of their well-being. This domain contains both subjective and objectives measures of physical and mental health. Where we live reflects an individual's dwelling, the local environment and the type of community in which we live. Measures here include having a safe, clean, and pleasant environment, access to facilities and being part of a cohesive community.[384]

381 See *Spiess v Oni* [2016] EJSC (vol 51) 6

382 *See Ihedioha v Okorocha* [2016] EJSC (vol 33) 83

383 See the preamble to the Constitution of the World Health Organisation which came into force on the 7th of April 1948

384 Measures of National Wellbeing <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/articles/measuresofnationalwellbeingdashboard/2018-04-25> (accessed 21 February 2026)

Health promotion involves a wide range of social and environmental interventions that are designed to benefit and protect individual people's health and quality of life by addressing and preventing the root causes of ill-health, not just focusing on treatment and cure. This is because environments and the natural resources they encompass and connect with are essential to human health and wellbeing.[385] From the quality of air we breathe to the condition of roads we drive on; environmental factors can have a major influence on our health. The interaction of people with the world around them impact physical fitness, vulnerability to disease and other aspects of human wellness. Maintaining a healthy environment is essential for helping people live longer and for enhancing their quality of life. Considering a sobering statistic from healthy people which notes that 23% of all deaths (and 26% of deaths among children ages 5 and younger) results from entirely preventable environmental health problems.[386] By optimising environmental health, communities can reduce exposure to disease as well as to pollutants that have a toxic effect on the body. The benefit of environmental health can improve life for everyone, but may have the most pronounced effect among those who are already in vulnerable health.[387]

According to the United Nations Environment Programme (UNEP), in discussing environmental rights and governance, the World Health Organization estimates that 23 percent of all deaths are linked to environmental risks like air pollution, water contamination and chemical exposure. Statistics like that are why the United Nations Human Rights Council recently passed a resolution reaffirming state obligations to protect human rights including taking stronger actions on environmental challenges.[388] According to the programme, some ways that a compromised planet is now compromising the human right to health are identified as follows:

1. The destruction of wild spaces facilitates the emergence of zootoxic diseases.[389]

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385 C.C Macpherson, 'Does Health Promotion Harm the Environment?' [2020] *The New Bioethics* 26, (2), 158

386 Environmental factors that affect health <https://online.regiscollege.edu/blog/environmental-factors-thataffect-health/> (accessed 22 February 2026)

387 Ibid

388 Six Reasons why Healthy Environment should be Human Right <https://www.unep.org/news-and-stories/story/six-reason-why-healthy-environment-should-behuman-right> (accessed 22 February 2026)

389 The alteration of land to create space for homes, farms, and industries has put humans in increasing contact with wildlife and has created opportunities for pathogens to spill over from wild animals to people. An estimated 60 percent of human infections are of animal origin. And there are plenty of other viruses poised to jump from animals to humans. Available at <www.unep.org.news-and-stories> (accessed 22 February 2026)

2. Air pollution reduces quality of health and lowers life expectancy.[390]
3. Biodiversity loss compromises the nutritional value of food.[391]
4. Biodiversity loss also reduces the scope and efficacy of medicine.[392]
5. Pollution is threatening billions worldwide.[393]
6. Climate change introduces additional risks to health and safety.[394]

More specifically, lack of access to clean water and basic sanitation represents a silent crisis affecting more than a third of the world population. This contributes to water-borne diseases including cholera, hepatitis A, typhoid fever, giardia, legionella, and shiegella dysentery.[395]According to William Rom, the environmental consequences of global warming and climate change include limited biodiversity or extinction, deforestation, hurricanes and tropical storms, heat stress or exhaustion (where the skin may be damp or looks flushed, allergic diseases, asthma and fever, vector-bone diseases and a lot of others. Climate change

390 Across the globe, nine in ten people are breathing unclean air, harming their health, and shortening their lifespan. Every year, about 7 million people die from diseases and infections related to air pollution, more than five times the number of people who perish in road traffic collisions. Exposure to pollutants can also affect the brain, causing developmental delays, behavioural problems and even lower IQs in children. In older people, pollutants are associated Alzheimer's and Parkinson's Diseases. Available at <www.unep.org.news-and-stories> (accessed 22 February 2026)

391 In the last fifty years alone, human diets have become 37% more similar with just 12 crops and five animal species providing 75 percent of the world's energy intake. Today, nearly one in three people suffer from some form of malnutrition and more of the world's population is affected by diet related to diseases, such as heart diseases, diabetes and cancer. Available at <www.unep.org.news-and-stories> (accessed 22 February 2026)

392 Natural products comprise a large portion of existing pharmaceuticals and have been particularly important in the area of cancer therapy. But estimates suggest that 15000 medicinal plant species are at risk of extinction and that the earth loses at least one potential major drug every two years. Available at <www.unep.org.news-and-stories> (accessed 22 February 2026)

393 Many health issues spring from pollution and the idea that waste can be thrown 'away' when in fact, much of it remains in ecosystem, affecting both environmental and human health. Water contaminated by waste, untreated sewage, agricultural runoff and industrial discharge puts 1.87 billion people at risk at contacting cholera, dysentery, typhoid and polio. Methyl mercury–a substance found in everyday products that contaminate fish – can toxic effects on the nervous, digestive and immune systems when consumed by humans. And a growing body of evidence suggests that there is a cause for concern about the impact of micro plastics on marine line and the food web. Available at <www.unep.org.news-and-stories> (accessed 22 February 2026)

394 The last decade was the hottest in human history and we are already experiencing the impact of climate change, with wildfires, floods and hurricanes becoming regular events that threaten lives, livelihoods, and foods security. Climate change also affects the survival of microbes, facilitating the spread of viruses. According to an article published by the Intergovernmental Science, Policy Platform on Biodiversity and Ecosystem Services, 'pandemics are likely to happen more frequently, spread more rapidly, have greater economic impact and kill more people.' Available at <www.unep.org.news-and-stories> (accessed 22 February 2026)

395 Rom W., *Environmental Policy and Public Health (Air Pollution, Global Climate Change and Wilderness)* (Jossey-Bass 2012) p. 347

poses a range of challenges to human health, but many of the linkages are complex and a range of other social, behavioural and environmental factors also affect the health outcomes in question. Because of the wide-ranging potential impacts of global warming, greenhouse gases emission needs to be decreased substantially, including emphasis on energy efficiency, reasonable energy technologies and planning to mitigate adverse health outcomes.[396]

As for the right to a clean and healthy environment, it is believed that every person should have right to a healthy environment and one of the duties of any responsible government all over the world is to ensure adequate provisions for the health and wellbeing of its citizens. The right to health must not stop at physical health. It must cover intellectual, moral, cultural, spiritual, political and social wellbeing. The Indian Supreme Court in *MC Mehta. v. Union of Indian and Others*[397] noted as follows:

> Man is both creature and molder of his environment which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of human race on this planet, a stage has been reached when through rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and manmade, are essential to his wellbeing and to the enjoyment of the basic human rights, even the right to life itself

From the pronouncement of the court above, it is clear that the quality of life a man has and lives cannot be separated from the quality of his environment. If life must be meaningfully lived therefore, the environment where such a life survives must be suitable for it. Quoting B.R. Akinbola,

> The legal protection of the environment has increasingly become imperative (leaving mankind with no alternative if life is to be sustained) considering the importance of a safe, clean and secure environment to the enjoyment of other

396 Ibid at p 190
397 AIR 1988 Supreme Court 1037

> rights. In the course of time, human activities such as agriculture, lumbering and manufacturing have impacted negatively on the environment. This has led to ozone layer depletion, global warning, desertification, erosion, deforestation and environmental pollution in many societies including Nigeria[398]

The African Charter on Human and Peoples' right to which Nigeria is a signatory and ratified provides that 'All peoples shall have the right to a general satisfactory environment favourable to their development'.[399] The stipulation in the 1999 Constitution of the Federal Republic of Nigeria (as amended) is that the state shall protect and improve the Nigerian environment and safeguard the water air and land, forest and wild life of Nigeria.[400] However, as good as the above provisions are, the Nigeria nation has not deemed it fit to codify a separate legal instrument to recognise the right of Nigerians to a favourable environment or put such right on the same pedestal as fundamental human rights.

The court in *Mr. Jonah Gbemre v. Shell Petroleum Development Company Nigeria Ltd*[401]held among other things that the constitutionally guaranteed fundamental rights to life and dignity of human person provided in section 33(1) and 34(1) of the Constitution of Federal Republic of Nigeria 1999 and reinforced by Articles 4, 16, and 24 of the African Charter on Human and Peoples Right (Ratification Enforcement) ACT[402] inevitably includes the right to clean, poison–free, pollution–free, and healthy environment. The boldness and exposure of the learned trial judge are commendable in arriving at this decision. Though Nigeria has so many laws that aimed at protecting the environment which have been discussed in this article, the failure or lack of strong institutions to bring to bear and enforce the intentions of those laws for the benefit of the Nigerian environment makes it uneasy for anyone to ascertain in clear terms what the position of the law is on the protection of the environment in line with the health of Nigerian citizens. The availability of goods laws without good managers is baseless.

398 B.R Akinbola 'Human Right and the Environment: Linkage in the Nigerian Context', [2014] *University of Ibadan Law Journal* 2 (1) 73

399 See Article 24 of the Charter

400 See section 20 of the constitution

401 Suit No: FHC/B/CS/53/05

402 CAP A9 Vol. 1, Laws of the Federation of Nigeria, 2004

Health Prospects of Environmental Protection

Health is often attributable to 'the condition of being sound in body, mind, or spirit, especially freedom from physical diseases or pain.' It is 'a condition in which someone or something is thriving or doing well.'[403] It has been noted severally in this research that the environment has the capacity to impair or improve human health one way or the other. Environmental protection has many prospects for health because the aim of the protection is to secure the environment and reduce or remove the chances of human exposures to pollution and hazardous substances. One of the health prospects of environmental protection is reduced air pollution. By reducing air pollution level, the burden of diseases from stroke, heart disease, lung cancer, and both chronic and acute respiratory diseases, including asthma are also reduced. Policies and investments supporting cleaner transport, energy efficient homes, power generation, industry and better municipal waste management would reduce key sources of outdoor air pollution.[404]Addressing and reducing air pollution which is the second highest risk factor for non-communicable diseases are key to protecting public health.[405]

Secondly, clean water is a prospect of environmental protection when health is concerned. Recreational fishing, tourism, agriculture, industry, and public health all stand a chance of benefitting from robust and productive river systems. Water for the environment supports the health of the river so that it can in turn provide for human needs. As water moves onto the floodplain, it releases carbon that energises the food web. River pulses trigger fish breeding and movement. Juvenile fish find safe haven in floodplain wetland where they can feed and grow before returning to the river to continue their lifecycle. Rivers deposit sediment on the floodplain, nourishing soils and providing grazing habitat for native animals and livestock.[406] Water birds

403 Health definition <https://www.merriam-webster.com/divtionary/health> (accessed 23 February 2026)

404 Ambient (outdoor) air quality <https://www.who.int/news-room/fact-sheets/detail/ambient-(outdoor)-air-quality-and-outdoor> (accessed 23 February 2026)

405 Outdoor air pollution is a major environmental health problem affecting environment in low–middle and high income countries. Ambient (outdoor) air pollution in both cities and rural areas was estimated to cause 4.2 million premature deaths worldwide per year in 2019; this mortality is due to exposure to fine particulate matter, which causes cardiovascular and respiratory diseases, and cancers (see note 99 supra)

406 Water for the Environment; why do we need it? <https://www.environment.nsw.gov.au/topics/water/water-for-the-environment/about-water-for-the-enviromment/waht-is-it/why-do-we-need-it> (accessed 23 February 2026)

flock to healthy wetland too.[407] Clean water sources for the environment is vital to help maintain a healthy, productive, and resilient river system for the benefit of plants, animals and people.

Another dimension to the health prospect of environmental protection is enhanced food safety. The fact that humans are on top of the food chain cannot be ignored. Many studies are conducted to investigate the migration of contaminants from the environment to food, and finally to human beings. Environment and food safety thus have significant impacts on human health.[408]Measures on environmental protection contribute to the safety and quality of the food we consume. If we promote sustainable agricultural practices, ameliorating the use of harmful chemical and pesticides, and protecting the integrity of our ecosystems, we shall surely minimise food contamination and promote healthier diets.

Furthermore, mitigation of climate change through the reduction of greenhouse gas emissions is a health prospect of environmental protection. If climate adaptation measures are keenly observed, the health risks associated with extreme weather events, heat waves, infectious diseases, food and water scarcity could be minimised. The reality of climate change is accompanied by an increased risk of physical and economic dangers and the only way to avoid them is to aggressively decarbonise the environment and everyday life.[409] Among other health prospects of the environmental protection are the preservation of ecosystem services,[410] noise reductions[411], and mental health benefits.[412]

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407 Wetlands are the kidneys of the waterways. Aquatic plants help to filter water as it moves through the system, slowing flows and performing an important nutrient cycling function. These plants flower and set seed during watering events, providing food and shelter for a range of insets, frogs, reptiles, and mammals. Woodland birds also respond to a healthy wetland environment. They feed, breed, and move out into the surrounding landscape helping to pollinate plants and control pest insects (see note 99 supra)

408 S. Jiang and others 'Environmental and Food Safety: a Novel Integrative Review' [2021] *Environmental Science and Pollution Research* (28) 54512

409 T. Manuela, 'Effects of Climate Change on Environmental Sustainability' [2021] E3S *Web of Conferences* (250), 6

410 The protection of natural habitat, forest, and wetlands helps to regulate the quality of water, disease control, pollination, and cycling of nutrients which supports the wellbeing of man and reduces the risk of diseases and environmental health hazards.

411 The efforts of environmental protection can also lead to noise reduction in both urban and industrial areas. Excessive noise pollution has been linked to various health problems like stress, sleep apnea, cardiovascular issues, and impaired cognitive factions.

412 A well-preserved environment can have positive effect on mental health. Access to green spaces, parks, and natural environments has been associated with reduced stress, improved mood, enhanced cognitive function and better overall psychological wellbeing.

On the part of clean and renewable energy, there is the health prospect of climate change control and control of air pollution, environmental restoration, and improvement of biodiversity, and the influence on human health by improving the access, price, supply, and quality of food and nutrition.[413]Green technologies improve environmental quality through emission reduction; therefore the loss of lives and spread of diseases can be avoided associated with poor air quality.[414] Susana Silva and others also maintained that 'Renewable Energy Sources (RESs) are crucial to the mitigation of environmental problems, particularly health problems associated with air pollution derived from the energy sector. These sources can have a significant impact in reducing pollution and therefore alleviate human health problems associated with poor air quality'.[415]

From the above prospects, it is safe to submit that if environmental protection can be prioritised, the possibilities of creating healthier living environments, the reduction of disease burdens and the enhancement of the overall quality of life for individuals and communities are certain. It must be put to mind as well that while there are many positive health prospects of environmental protection, achieving them requires sustained efforts and joint investments among various stakeholders and the implementation of policies and practices that are effective.

Charting the Way Forward

In *Future Generation v Ministry of the Environment and Ors*,[416]the Supreme Court of Colombia recognised the link between a healthy environment and fundamental right when it held as follows:

> The fundamental right of life, health, the minimum subsistence, freedom, and human dignity are substantially linked and determined by the environment and the ecosystem. Without a healthy environment, subject of law and sentient beings in general will not be able to survive, much less protect those rights,

413 M.T Majeed and G. Zaka 'Renewable Energy Consumption and Health Outcomes: Evidence from Global Panel Data Analysis' [2021] *Research Gate* 60

414 Ibid at p 74.

415 S. Silva, E. Larenjeira and I. Soares 'Health Benefits from Renewable Electricity Sources: A Review' [2021] *Energies* 15

416 (Supreme Court of Colombia, 11001-22-03-000-2018-00319-01, 5 April 2018)

> for our children or for future generations. Neither can the existence of the family, society or the state itself be guaranteed. The increasing deterioration of the environment is a serious attack on current and future life and on other fundamental rights; it gradually depletes life and all its related rights. The inability to exercise the fundamental right to water, to breathe pure air, and to enjoy a healthy environment is making Colombians sick. It also increases the lack of fresh water and decreases the ability to enjoy a dignified life.

The situation as expressed by the court above is the same picture of Nigeria even with the litany of laws available in the country. To achieve any substantial progress in this respect, the Nigerian government should give the maximum regard to the health of Nigerian citizens by placing the right to a healthy environment at par with fundamental right as protected in chapter four of the constitution. Nigeria as a nation must respect the resolution adopted by the United Nations General Assembly on the 1st of August, 2022 at its 97th plenary meeting declaring right to a clean, healthy and sustainable environment as human right.[417] Government should prioritise the health of Nigeria citizens and express such concern in our laws to show commitment. The health of Nigerians should be placed above the economic gains that the government is getting from the businesses of the major drivers of environmental degradation in Nigeria. The Nigerian government should be bold enough to monitor and control the activities of the multinational oil companies, manufacturing and production industries in Nigeria to secure the health of the Nigerian population. Most of these companies cannot do what they do in Nigeria in their home countries with respect to destruction of the environment because there are strong institution and law in place in those home countries. Nigeria must not continue this way. The laxities in our enforcement of laws and governmental lackadaisical attitude have strengthened the hands of the multinationals to negatively impact our environment with impunity and careless abandon.

To achieve the above, there is need for urgent constitutional amendment to place the right to a clean environment (covering the air, water and land) at par with other fundamental human rights

[417] United Nations Digital Library System available at < https://digitallibrary.un.org> (accessed 23 February 2026)

in the Constitution. This should not be a challenge since the constitution has been amended in time past to accommodate less important things like the jurisdiction of the National Industrial Court and the death of elected but yet to be sworn in political office holders. Another step to help achieve the above is for the government (both federal and state) to enter into eco-friendly agreement with those multinationals on behalf of the citizens using health as a background. This would guide the activities of these companies and in case of breach, the Attorney-General of the Federation or any state where the breach occurs should go to court on behalf of the people to seek redress. Akin to the above is the development of polices that will favour the health of Nigerians and more work is to be done in ensuring the implementation and execution of these policies to achieve desired results. These policies should cover among other things waste management and disposal as well as keeping citizens responsible in the cleanliness of their environment for sustainable healthy lives. The NESREA should buckle up to collaborate with state and local governments to achieve this. All stakeholders from relevant disciplines should be brought to a round table to have honest deliberations on environmental protection using health as a priority.

Additionally, the current legal and institutional framework on the protection of environment in Nigeria needs to be overhauled and come to terms with the current realities of the Nigerian society. Laws without enforcement are just a waste of legislative labours. Laws are meant to guide human conduct; that is why they are normative by telling us what to do and what not to do. There are so many laws in Nigeria prohibiting the various activities that could be deleterious to the natural environment. By a list, there are more than ten of those laws available in the Nigerian legal system. These laws should be harmonised into one or two so that we can have a detailed legal code to protect the environment. Suitable institutions should be created by the instrumentality of the harmonised law having in mind the current realities of the Nigerian nation. The enactment of these environmental health laws should be community specific and holistic in approach. Since this is about health, every aspect of environmental interaction that is capable of affecting human health should be included and comprehensively analysed. If a single document can go ahead to specifically make provisions for the protection of water, land and air, the awareness becomes more pronounced rather than having those provisions scattered in different legislations. Sections 245

and 247 of the criminal code Act[418] can be improved upon in this respect. The reality of the modern environment has gone beyond the scope of those provisions.

Another way forward is the aggressive enforcement of the law for compliance. The role of the law in inducing responsible attitudes and behaviours towards the environment in bringing the desired sanity that the law intended cannot be set aside too. If the law would serve as an effective instrument for environmental protection, planning, pollution prevention and control, those who enforce the law must do it without fear or favour. The health of the entire community should be placed above the status or influence of any defaulter. The enforcement should allow for both criminal and civil remedies so that citizens can enforce the provisions of the law against each other in case of personal breaches. The legal hurdles of proof in civil cases should be relaxed so that people who are affected will be able to get justice in our law courts. Our judicial officers too should broaden their minds and be proactive in judicial activism in order to protect the same environment we are all living in. The government should place proper premium on health and create special courts to try environmental offences and civil cases bothering on the environment. If we can have tax tribunals, rent tribunals, family courts and election petition tribunals, having environmental courts in Nigeria across the states should not be a big deal if the government is ready for a clean feat here. The few hours weekly environmental sanitation observed in some states in the country before (which has stopped because of political interest) should be restored across the country by the instrumentality of the law and sanctions should follow for defaulters. To achieve maximum health security special paramilitary training could be given to community health workers in the various local governments to upgrade them to become environmental health corps or such section could be created within the Nigerian police or the Nigerian Security and Civil Defence Corps with power of arrest, investigation and prosecution.

Another positive engagement is capacity development, training and funding of the institutions created by law. To make the enforcement of our laws a dream come true, the government must be

[418] Section 245 of the Criminal Code Act CAP C38 LFN 2004 provides as follows 'Any person who corrupts or fouls the water of any spring, stream, well, tank, reservoir, or place so as to render it less fit for the purpose for which it is ordinarily used, is guilty of a misdemeanour, and is liable to imprisonment for six months'. Section 247 goes ahead to provide that 'Any person who- (a) vitiates the atmosphere in any place so as to make it noxious to the health of persons in general dwelling, or carrying on business in the neighborhood, or passing along a public way; or (b) does any act which is, and which he knows or has reason to believe to be, likely to spread the infection of any disease dangerous to life, whether human or animal; is guilty of a misdemeanour, and is liable to imprisonment for six months'.

extensively responsible in having a holistic performance. The government should properly fund the institutions created by law to perform their functions optimally. The institutions in charge of environmental protection should be funded to have up to date equipment to perform their functions. They should have current and correct exposure, training and capacity development in order to achieve their intended results. The appointment of resource personnel into the offices of these institutions should be devoid of any political consideration save expertise and merit. Putting a round peg in a square hole will celebrate nothing but mediocrity. In the area of technology for the performance of institutional functions, government should partner with nations and institutions with the technical knowledge for the training and development of its workers in those institutions for effective technological transfer, retention and update where necessary. Good capacity development will enable individual and the institution concerned to independently and sustainably work towards their desired change in policy and practice. The approach to capacity development should be founded on deep expertise and technical knowledge.

Finally, environmental education and awareness must be strong. Environmental education must involve everyone in the environment. It must be a life-long process and must be practical. To start with, the academic curriculum of primary and secondary schools in Nigerian should be amended to include topics bothering on the environment and encourage the use of clean energy like Civic Education was developed too. It should demonstrate the interdependence of conservation and development. They should understand the human activities that may result in problems such a land degradation, pollution, deforestation, desertification, flood, global warming, climate change and even drought. Secondly, environmental protection and energy literacy should be inculcated in the general studies system of higher education in Nigeria. The contents should be developed to be taught by lecturers in faculties of law, social sciences or environmental sciences. This will create a sense of responsibility on environmental protection in our student population. The ministries of health and environment at all levels of government should begin aggressive sensitisation of the Nigerian population to develop responsible environmental behaviour from all and sundry. Our media houses and social media are veritable means in this respect. Non-governmental organisation and religious institutions should also be encouraged to join this crusade of enlightenment. Since the department of environmental sanitation in the local governments is closer to the people, it is recommended that its workers be trained and developed to undertake environmental education and

awareness in local areas. These workers understand the language, sociology and culture of the people in their local environment.

Conclusion

This article has established that there is a direct influence of the environment on the lives of humans living therein. The interaction of man with the environment is capable of causing several alterations to the environment and eventually affects the health of humans. Nigeria as a nation has many laws regulating the protection of the environment in relation to human health but the enforcement of these laws is weak. To attain sustainable health for Nigerians through environmental protection, the Nigerian government should take a bold step by elevating the right to clean and healthy environment as a fundamental right. This pragmatic move will show that the government prioritises the health of Nigerians and hold Nigerians accountable to one another in this respect. Our laws must be enforced with integrity and without partiality. Government should fund institutions as expected and put premium on environmental literacy and awareness for all citizens.