

REIMAGINING THE RULE OF LAW IN NIGERIA: ENVIRONMENTAL JUSTICE, GENDER EQUALITY, AND DEMOCRATIC RENEWAL

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Abstract

Nigeria's democratic experience exposes a profound paradox. Despite a growing body of environmental and gender legislation, the realities of pollution, poverty, and exclusion persist across the country. This paper explores how these contradictions reveal the moral and institutional weakness of the Nigerian state, arguing that extractive dependence, corruption, and patriarchal governance have stripped the rule of law of its ethical substance. Drawing on feminist legal theory, postcolonial critique, and environmental justice scholarship, it advances the idea of a Gendered Environmental Rule of Law as a framework for restoring legality as a force for care and accountability. Using doctrinal and comparative analysis, the paper examines the Climate Change Act 2021, the Petroleum Industry Act 2021, and the National Gender Policy 2021 alongside judicial precedents and the experiences of South Africa and Ghana. These comparative insights illustrate that democratic legitimacy grows stronger where rights are enforceable, participation is genuine, and justice extends to both people and the environment. The findings show that Nigeria's regulatory agencies remain politically constrained and under-resourced, leading to weak enforcement and deepening public distrust in legal institutions. The paper concludes that Nigeria's democracy cannot be renewed through electoral procedures alone; its survival depends on embedding environmental protection and gender equality within the moral foundation of the rule of law and in the lived practices of governance.

Keywords: Rule of law, Nigerian environmental justice, gender, democracy, postcolonial governance

1. Introduction

Nigeria's democratic experience is a story of contradictions. The country is endowed with vast natural resources, yet its citizens continue to endure social and ecological deprivation. Oil, once presented as the engine of modernization, has instead become the fulcrum of inequality, corruption, and environmental decay. The Niger Delta region illustrates this paradox vividly. Rivers that once sustained fishing communities are now polluted, farmland has turned sterile, and the air is laden with the smell of gas flares.¹ What was expected to bring progress has produced widespread injustice. This situation raises a deeper question about the meaning of democracy and the moral content of law in contemporary Nigeria.

A functioning democracy should protect rights, ensure accountability, and promote inclusion. However, in Nigeria, formal democratic structures often coexist with authoritarian patterns of governance. Laws are enacted and institutions established, yet their application remains selective. Courts issue judgments that recognise environmental harm, but these decisions are seldom enforced. The rule of law, which should operate as a moral compass for justice, has become procedural and detached from the lived realities of citizens. The persistence of environmental degradation reveals how power, unrestrained by justice, can transform legality into an instrument of impunity.²

¹ F Gbadamosi and others. 'The interplay of oil exploitation, environmental degradation and health in the Niger Delta: A scoping review.' *Tropical Medicine & International Health*, 30 (2025): 351 - 367. <https://doi.org/10.1111/tmi.14108>.

² CJ Onwutuebe and others. 'Military culture and political leadership in Nigeria's democracy.' *African Identities*, 22 (2022): 599 - 619. <https://doi.org/10.1080/14725843.2022.2092447>.

The environmental crisis is also a governance crisis. Oil dependency sustains rent-seeking and undermines accountability. Environmental protection agencies are weakened by overlapping mandates and political interference. The inability of the state to prevent or redress pollution reflects a deeper institutional fragility. Where law is silent or unenforced, the environment becomes the site where democracy's failures are most visible. It is here, in the everyday experiences of citizens who breathe contaminated air and drink polluted water, that the distance between law and justice becomes tangible.

Gender introduces another dimension to this paradox. In oil-bearing communities, women experience environmental degradation differently and more severely. They lose livelihoods, face increased health risks, and are excluded from decision-making and compensation processes. Their marginalization is not accidental; it reflects structural patterns of patriarchy within both governance and law. Feminist scholars have shown that ecological harm and gender inequality are mutually reinforcing because both rest on systems of domination that devalue care, reproduction, and community.³ Understanding environmental justice in Nigeria, therefore, requires recognizing the gendered nature of vulnerability and resistance.

The right to development offers a conceptual bridge between environmental protection, gender equality, and democracy. Defined in the United Nations Declaration on the Right to Development (1986)⁴ and affirmed in Article 22 of the African Charter on Human and Peoples' Rights,⁵ it emphasizes participation, equity, and sustainability as inseparable components of justice. Yet in Nigeria, development has often been treated as economic growth without social inclusion. Resource extraction proceeds in the name of national interest, while local communities bear the costs. Such patterns transform development from a right into a form of dispossession.

Comparative experiences across Africa suggest that a different path is possible. South Africa's constitutional recognition of environmental rights has enabled courts to link ecological protection with social justice, demonstrating that democracy thrives where rights are enforceable⁶ Ghana's community-based approaches to natural resource management show that participatory governance can improve compliance and rebuild public trust.⁷ These examples indicate that democracy gains depth when governance integrates ecological stewardship, gender inclusion, and local participation. They also highlight that law can evolve beyond its colonial legacy to reflect African ethical and cultural realities.

The central argument of this paper is that Nigeria's democracy cannot achieve legitimacy or sustainability without reconstructing the rule of law around three interrelated values: environmental protection, gender equality, and participatory accountability. Law must reclaim its ethical role as a guarantor of human and ecological wellbeing. This requires a shift from a procedural conception of legality to a transformative understanding of justice. Such a transformation depends on building

³ K Sam and others 'Inclusive Environmental Decision-making in a Developing Nation: Insights from the Ogoni Remediation Project, Niger Delta, Nigeria.' *Environmental Management*, 73 (2023): 323 - 337. <https://doi.org/10.1007/s00267-023-01885-y>.

⁴ United Nations General Assembly, 'Declaration on the Right to Development' GA Res 41/128, Annex, 41 UN GAOR Supp (No. 53) at 186, UN Doc A/41/53 (1986) <<https://www.ohchr.org/sites/default/files/rtd.pdf>> (accessed 30 October 2025).

⁵ Organisation of African Unity, 'African Charter on Human and Peoples' Rights' (adopted 27 June 1981, entered into force 21 October 1986) 1520 UNTS 217, Article 22 <<https://africanlii.org/akn/aa-au/act/charter/1981/human-and-peoples-rights/eng%401981-06-27>> (accessed 30 October 2025)

⁶ LJ Kotzé, 'Earth system law for the Anthropocene' *Sustainability* 11.23 (2019): 6796; T Coggin and others 'Recalibrating Everyday Space: Using Section 24 of the South African Constitution to Resolve Contestation in the Urban and Spatial Environment.' *Potchefstroom Electronic Law Journal* (2021). <https://doi.org/10.17159/1727-3781/2021/v24i0a9432>.

⁷ SA Kasimba and others 'Community based participatory governance platforms and sharing of mining benefits: evidence from Ghana.' *Community Development Journal* (2021). <https://doi.org/10.1093/cdj/bsab021>.

institutions that are transparent, inclusive, and responsive to the voices of those most affected by environmental harm.

The paper adopts three analytical perspectives to explore this transformation. The first is **normative** synthesis, which examines how Nigerian law mediates the tension between economic growth and sustainable development.⁸ The second is gendered justice, which investigates how environmental degradation interacts with patriarchal structures to perpetuate inequality.⁹ The third is participatory democracy, which explores how civic engagement and environmental citizenship can rebuild trust in institutions and restore democratic legitimacy.¹⁰ These approaches together provide a framework for interpreting law as a living moral enterprise rather than a static system of control.

The analysis situates Nigeria's challenges within global and continental frameworks. Agenda 2030 and Agenda 2063 call for inclusive, equitable, and sustainable development. Both agendas recognize that economic growth, gender justice, and environmental sustainability must reinforce one another. For Nigeria, aligning its governance systems with these frameworks means reimagining the rule of law as a means of moral renewal. The right to development, viewed through this lens, becomes not only a legal entitlement but a collective ethical responsibility to harmonize human aspiration with ecological balance.

This paper proceeds in six parts. The next section clarifies the conceptual and theoretical foundations of the article, focusing on the meanings of rule of law, democratic culture, environmental justice, and right to development. Section three examines Nigeria's legal and institutional structures, including the Climate Change Act 2021, the Petroleum Industry Act 2021, and the National Gender Policy. Section four compares Nigeria's experiences with those of South Africa and Ghana. Section five advances a Gendered Environmental Rule of Law framework as a pathway to reform. The final section concludes with recommendations for institutional transformation consistent with the values of transparency, inclusion, and sustainability.

Ultimately, this research argues that the strength of democracy lies not in the frequency of elections but in the justice of its institutions. A society that fails to protect its environment and its most vulnerable citizens cannot sustain democratic legitimacy. Rebuilding Nigeria's democracy therefore requires more than policy reform; it demands a reorientation of law toward the moral imperatives of care, equity, and stewardship. The renewal of the rule of law begins when justice extends beyond the courtroom to the rivers, forests, and farmlands where citizens live their daily lives.

2. Conceptual and Theoretical Framework

Every serious inquiry into the relationship between democracy, law, and environmental justice must begin with conceptual clarity. Yet concepts in legal and political theory are rarely stable. Their meanings evolve as societies struggle to reconcile the claims of legality, justice, and development. The terms rule of law, democracy, environmental justice, and the right to development have each been shaped by both liberal and postcolonial histories. Understanding how they intersect in Nigeria's experience requires reading them not as abstract ideals but as living ideas tested by social practice.

⁸ A Banso, J Coker, N Uzougbo, & S Bakare, 'THE NEXUS OF LAW AND SUSTAINABLE DEVELOPMENT IN SOUTH WEST NIGERIAN PUBLIC POLICY: A REVIEW OF MULTIDISCIPLINARY APPROACHES IN POLICY FORMATION.' *International Journal of Applied Research in Social Sciences* (2023). <https://doi.org/10.51594/ijarss.v5i8.585>.

⁹ CJ Onwutuebe and others. 'Patriarchy and Women Vulnerability to Adverse Climate Change in Nigeria.' *SAGE Open*, 9 (2019). <https://doi.org/10.1177/2158244019825914>.

¹⁰ F Ünal, & H Kaygin 'Citizenship Education for Adults for Sustainable Democratic Societies.' *Sustainability* (2019). <https://doi.org/10.3390/su12010056>.

¹¹ BZ Tamanaha, *On the Rule of Law: History, Politics, Theory* (Cambridge University Press 2004)

The rule of law remains one of the most debated ideals in political thought. It traditionally signifies government under law, predictability, and the restraint of arbitrary power.¹¹ But the very concept has a dual character: it can either enable emancipation or sustain domination. In postcolonial states, legality often survives as a colonial inheritance that organizes power around extractive and hierarchical structures. The formal existence of courts, constitutions, and agencies may mask a deeper absence of accountability. Krygier reminds us that the rule of law is not a self-executing mechanism; its worth depends on the purposes it serves.¹² When law merely facilitates the exploitation of resources without protecting those affected, it loses its moral claim to legitimacy. Nigeria's environmental regulation illustrates this contradiction. The **Petroleum Act 1969**¹³ centralized control of Nigeria's petroleum resources in the state, granting ownership and management powers to the federal government while neglecting to safeguard environmental rights or community welfare.¹⁴ Contemporary legal scholarship increasingly critiques this resource-centric model and reinterprets the **rule of law** as a moral framework that must protect both people and ecosystems. Rather than serving only state authority, law should uphold justice, accountability, and ecological balance in pursuit of the public good.¹⁵

Democracy, like the rule of law, has been interpreted through narrow procedural lenses that often obscure its ethical substance. For many states, democracy begins and ends with the conduct of elections. Yet as Diamond has argued, democratic culture extends far beyond electoral ritual.¹⁶ It embodies habits of participation, tolerance, and deliberation that nurture trust between state and citizen. In resource-dependent societies such as Nigeria, procedural democracy is especially fragile because the flow of wealth from natural resources concentrates power at the centre and weakens horizontal accountability. What results is a “thin democracy,” one that celebrates electoral legitimacy while neglecting environmental and gender justice. To cultivate a richer democratic culture, citizens must be able to participate in decisions that affect their lives, particularly those concerning land, water, and development. A democracy that ignores these questions of environmental and gendered justice risks becoming a hollow performance of freedom rather than its substance.

Environmental justice scholarship emerged from this recognition that inequality extends into the realm of ecology. It explores how the burdens of pollution and resource depletion fall disproportionately on marginalized groups while the benefits of extraction accrue to a privileged few.¹⁷ Environmental justice therefore unites distributive, procedural, and recognition dimensions of fairness. It demands equitable distribution of environmental goods and harms, meaningful participation in environmental decision-making, and acknowledgment of cultural and social difference. In Nigeria, the challenge is to translate these global principles into context-sensitive practice. Environmental justice must engage with indigenous knowledge systems that long predate the modern state. Traditional ecological ethics in many Nigerian communities emphasize balance, restraint, and intergenerational responsibility. Yet these cultural resources have been displaced by extractive models of development that privilege profit over stewardship. Reclaiming them is essential for constructing an environmental rule of law that resonates with the people it serves.

¹² **M Krygier**, 'What's the Point of the Rule of Law?' *Buffalo Law Review* (2012) **67**(1) 273–316,

¹³ **Petroleum Act** (1969) Cap P10, Laws of the Federation of Nigeria 2004, <<https://lawsfnigeria.placng.org/laws/P10.pdf>> (accessed 26 October 2025)

¹⁴ **OJ Jegede, and W Idiaru** 'Legal Framework and Requirements for Oil and Gas Investment in Nigeria,' *Mondaq*, (2020) <<https://www.mondaq.com/nigeria/oil-gas-electricity/998566/legal-framework-and-requirements-for-oil-and-gas-investment-in-nigeria>> (accessed 26 October 2025).

¹⁵ BZ Tamanaha (n 11)

¹⁶ **L Diamond**, *Ill Winds: Saving Democracy from Russian Rage, Chinese Ambition, and American Complacency* (Penguin Press 2019).

¹⁷ J Nathan and others 'Environmental (in)justice in the Anthropocene ocean.' *Marine Policy* (2023). <https://doi.org/10.1016/j.marpol.2022.105383>.

The right to development provides a normative bridge between environmental justice and democratic governance. It is one of the few legal doctrines that treats development not as a policy choice but as a human entitlement. Article 22 of the African Charter on Human and Peoples' Rights and the United Nations Declaration on the Right to Development (1986) both affirm that all peoples are entitled to participate in, contribute to, and benefit from development. Marks notes that the right's significance lies in its insistence on participation and equity.¹⁸ Development becomes illegitimate when it excludes those who bear its environmental costs. The Nigerian experience reveals the gap between this ideal and practice. Despite a proliferation of development strategies, few have integrated gender equity or ecological sustainability into their design. Reimagining the right to development as both gender-just and environmentally sound restores its ethical coherence and aligns it with the Sustainable Development Goals and the African Union's Agenda 2063.

Gender-responsive governance extends this discussion by focusing on the structures through which inclusion is realized. Equality before the law is meaningless if women cannot influence the decisions that shape their environments. Feminist scholars argue that gender equality requires not only legal recognition but also institutional transformation.¹⁹ The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) General Recommendation No. 37 (2018) explicitly connects gender equality to climate change adaptation and environmental governance. Nigeria's National Gender Policy of 2006, revised in 2021, acknowledges these principles but remains weakly implemented. Its failure to translate commitments into action underscores the persistence of patriarchal norms within governance institutions. Substantive equality, as opposed to formal equality, would ensure that women are not merely represented symbolically but participate effectively in environmental decision-making.²⁰ In this sense, gender-responsive governance is both a democratic and environmental imperative.

These conceptual perspectives gain greater depth when read through complementary theoretical lenses. Feminist legal theory provides the first. It challenges the masculine neutrality of law and reveals how supposedly universal norms are structured around male experiences.²¹ In environmental contexts, it shows how women's daily responsibilities, collecting water, growing food, sustaining households, make them both the first victims of environmental harm and key agents of adaptation. Yet their voices remain marginalized in environmental law and policy. Feminist analysis exposes this exclusion and insists that gender justice is a precondition for democratic legitimacy.²² By connecting the personal and the political, it redefines environmental degradation as a site of human rights struggle rather than a technical issue.

Postcolonial legal theory provides a second lens for examining environmental governance in Africa. It considers how inherited legal systems continue to reflect colonial hierarchies of power and

¹⁸ M Stephen. 'The human right to development: between rhetoric and reality.' *Harv. Hum. Rts. J.* 17 (2004): 137

¹⁹ O Gbadegesin. 'Gendered Implications of Climate Change: Empowering Women in Climate Law and Policymaking in Nigeria.' *Journal of Sustainable Development Law and Policy (The)* (2025). <https://doi.org/10.4314/jsdlp.v16i2.8>.

²⁰ *Ibid.*

²¹ K Bell. 'Bread and Roses: A Gender Perspective on Environmental Justice and Public Health.' *International Journal of Environmental Research and Public Health*, 13 (2016). <https://doi.org/10.3390/ijerph13101005>.

²² J Echavarren. 'The Gender Gap in Environmental Concern: Support for an Ecofeminist Perspective and the Role of Gender Egalitarian Attitudes.' *Sex Roles*, 89 (2023): 610-623. <https://doi.org/10.1007/s11199-023-01397-3>.

²³ BJ. Richardson, 'Environmental Law in Postcolonial Societies: Straddling the Local-Global Institutional Spectrum' *Columbia Journal of Environmental Law and Policy* (2000) 25 431 <https://heinonline.org/hol-cgi-bin/get_pdf.cgi?handle=hein.journals/colenvlp11§ion=7> accessed 26 October 2025

²⁴ J Agbonifo, 'The Colonial Origin and Perpetuation of Environmental Pollution in the Pos Critique: A Worldwide Student Journal of Politics' (2002) 3 1-15 <<https://about.illinoisstate.edu/critique/files/2019/09/jagbonifo.pdf>> accessed 26 October 2025

knowledge.²³ Colonial laws restructured communal land relations and displaced indigenous environmental ethics with extractive approaches that privileged state control and foreign capital.²⁴ These legacies persist when postcolonial governments maintain the same centralisation of authority in resource governance. In Nigeria, the continued enforcement of the Petroleum Act's provisions on state ownership illustrates this continuity.²⁵ Decolonising legality therefore requires renewed engagement with indigenous ecological thought and a recognition of customary law as a living system of environmental regulation.²⁶ Postcolonial scholars further highlight the intellectual dimension of decolonisation, calling for African philosophies of care, balance, and reciprocity to be recognised in global sustainability debates.²⁷

Environmental justice theory complements the feminist and postcolonial approaches by connecting ecological harm to social and political inequality.²⁸ Scholars in this field describe environmental degradation as a form of structural violence that undermines human rights and weakens democratic participation.²⁹ When pollution, displacement, and land loss remain unaddressed, citizens lose confidence in public institutions and withdraw from civic engagement.³⁰ In this sense, environmental harm becomes a measure of democratic decline. The theory also stresses procedural fairness, asserting that communities directly affected by environmental decisions should help design and implement solutions.³¹ In Nigeria, this view requires that oil-producing communities participate not only as beneficiaries of compensation but as active partners in governance.³² This participatory ideal reflects broader movements for environmental democracy that link ecological protection to civic empowerment and accountable governance.³³

Taken together, these theories form an integrated framework for reimagining the rule of law in Africa's extractive economies. Feminist legal theory foregrounds inclusion and recognition. Postcolonial theory calls for the decolonization of law and governance. Environmental justice theory

²⁵ JT Nnodum, 'Foreign Investment Protection and Environmental Governance in Nigeria: A TWAIL Analysis' *University of Sussex Thesis Repository* (2022)

<https://sussex.figshare.com/articles/thesis/Foreign_investment_protection_and_environmental_governance_in_Nigeria_a_TWAIL_analysis/23487755> accessed 26 October 2025

²⁶ U Etemire and NU Sobere, 'Improving Public Compliance with Modern Environmental Laws in Nigeria: Looking to Traditional African Norms and Practices' *Journal of Energy and Natural Resources Law* (2020) 32 245–266 <<https://www.tandfonline.com/doi/abs/10.1080/02646811.2020.1751970>> accessed 26 October 2025

²⁷ J Kayira, '(Re)Creating Spaces for uMunthu: Postcolonial Theory and Environmental Education in Southern Africa' *Environmental Education Research* (2015) 21 598–613 <<https://www.tandfonline.com/doi/abs/10.1080/13504622.2013.860428>> accessed 26 October 2025

²⁸ RD Bullard, 'Dumping in Dixie: Race, Class, and Environmental Quality' *Westview Press* (2000); J. Martinez-Alier, 'Environmentalism of the Poor: A Study of Ecological Conflicts and Valuation' *Edward Elgar* (2020)

²⁹ M Menton, C Larrea, Sara Latorre, J Martínez-Alier, M Peck, L Temper and Mariana Walter. 'Environmental justice and the SDGs: from synergies to gaps and contradictions.' *Sustainability Science* (2020): 1-16. <https://doi.org/10.1007/s11625-020-00789-8>.

³⁰ K Ejimudo, 'Democracy/Environmental Justice Challenge in Nigeria's Niger Delta and the Developmental Leadership and Governance Culture Imperative' *Critique: A Worldwide Student Journal of Politics* (2014) 5 1–14 <<https://www.academia.edu/download/110718980/15526.pdf>> accessed 26 October 2025; S.A. Agunbiade, 'Human Rights and Environmental Justice: A Quest for Deliberative Democracy' *UJH Journal of Humanities* (2024) 9 85–101 <<https://www.acj.org/index.php/uujh/article/view/6547>> accessed 26 October 2025;

³¹ R.T. Ako and D.S. Olawuyi, 'Environmental Justice in Nigeria: Divergent Tales, Paradoxes and Future Prospects' *Routledge Handbook of Environmental Justice in Africa* (2017) 451–469 <<https://www.taylorfrancis.com/chapters/edit/10.4324/9781315678986-45/environmental-justice-nigeria-rhuks-ako-damilola-olawuyi>> accessed 26 October 2025

³² D.I. Njoku and P. Nwodeh, 'Advancing Environmental Justice and Sustainability through Environmental Democracy in Nigeria' *International Law Research and World Law Watch* (2023) 5 275–291 <https://heinonline.org/hol/cgi-bin/get_pdf.cgi?handle=hein.journals/inlrwolw5§ion=50> accessed 26 October 2025

³³ C.O. Ikporukpo, 'Petroleum, Fiscal Federalism and Environmental Justice in Nigeria' *GeoJournal* (2004) 61 281–293 <<https://www.tandfonline.com/doi/abs/10.1080/1356257042000309643>> accessed 26 October 2025

insists on ecological accountability and participatory fairness. When combined, they suggest a transformative vision of law as a moral enterprise that connects human dignity with planetary health. This synthesis gives rise to what may be termed a *gendered environmental rule of law*: a framework in which legality is measured by the extent to which it protects life, empowers marginalized voices, and sustains the environment for future generations.

This integrated paradigm responds directly to gaps in the existing literature. Much of Nigeria's legal scholarship remains doctrinal, focusing on statutory interpretation rather than the moral and social dimensions of environmental governance. Comparative research on gender and environmental law is limited, and few studies bring feminist and postcolonial perspectives into dialogue with democratic theory. By advancing this synthesis, the present paper contributes to a growing African jurisprudence that seeks to re-anchor law in the lived experiences of people and the ecological realities of the continent. It also provides a basis for evaluating Nigeria's legal reforms in light of their capacity to achieve justice that is simultaneously environmental, gendered, and democratic.

The framework outlined here transforms how we understand the rule of law. It rejects the notion that legality is neutral or self-justifying and instead views it as a cultural and ethical project. Law acquires meaning only when it mediates the relationship between power and justice in ways that preserve the earth and the dignity of those who inhabit it. For Nigeria, whose development remains bound to extractive dependence, this perspective demands that reform efforts move beyond procedural efficiency toward moral and ecological renewal. In this way, the conceptual and theoretical foundations established in this section set the stage for the following analysis of Nigeria's legal and institutional structures.

3. Environmental Degradation, Inequality, and Governance in Nigeria

Nigeria's experience with oil and gas production reflects both paradox and persistence. It is a nation endowed with abundant natural wealth yet marked by deep deprivation. The wetlands and mangroves of the Niger Delta, once the foundation of local livelihoods, now show the ecological cost of continuous extraction. Rivers are polluted and farmlands degraded, while the revenues generated from oil flow largely to distant centres of power.³⁴ This contradiction reveals the structural dilemma of a rentier state, where governance relies on resource rents rather than on social legitimacy.³⁵ Such dependency sustains authority without accountability and fosters what scholars have described as an *extractive democracy*, a political order that retains democratic form but is driven by elite control.³⁶ The Niger Delta illustrates the interconnection between environmental degradation and political exclusion. More than six decades of oil exploration have left the region among the most polluted areas in Africa, with frequent spills and widespread gas flaring damaging soil, water, and air quality.³⁷

³⁴ M. Watts, 'Resource Curse? Governmentality, Oil and Power in the Niger Delta, Nigeria' *Geopolitics* (2004) 9(1) 50–80 <<https://www.tandfonline.com/doi/abs/10.1080/14650040412331307832>> accessed 26 October 2025; PS Orogun, 'Resource Control, Revenue Allocation and Petroleum Politics in Nigeria: The Niger Delta Question' *GeoJournal* (2010) 75(5) 459–507 <<https://link.springer.com/article/10.1007/s10708-009-9320-7>> accessed 26 October 2025

³⁵ RO Dode, 'The Political Economy of Resource Curse and the Niger Delta Crisis in Nigeria: Matters Arising' *European Journal of Sustainable Development* (2012) 1(2) 235–248 <<http://www.ojs.ecsdev.org/index.php/ejsd/article/view/16>> accessed 26 October 2025;

K Omeje, 'Oil Conflict in Nigeria: Contending Issues and Perspectives of the Local Niger Delta People' *New Political Economy* (2005) 10(3) 321–334 <<https://www.tandfonline.com/doi/abs/10.1080/13563460500204183>> accessed 26 October 2025

³⁶ DA Omoweh, 'Political Economy of Natural Resource Struggles in the Niger Delta, Nigeria' *Covenant University Public Lecture Series* (2010) 1–24 <[http://documents.covenantuniversity.edu.ng/Covenant%20University%20-%20Public%20Lectures/12.%20Political%20Economy%20of%20Natural%20Resource%20Struggles%20in%20the%20Niger%20Delta,%20Nigeria%20\(776.91KB\).pdf](http://documents.covenantuniversity.edu.ng/Covenant%20University%20-%20Public%20Lectures/12.%20Political%20Economy%20of%20Natural%20Resource%20Struggles%20in%20the%20Niger%20Delta,%20Nigeria%20(776.91KB).pdf)> accessed 26 October 2025

³⁷ CB Barigbon and PH Rumuolumeni, 'The Nigerian State and Environmental Justice in Niger Delta: Evidence from Rivers State (2000–2020)' *Niger Delta Journal of Politics and Development Studies* (2024) <<https://nigerdeltajournal.org/wp-content/uploads/2024/12/6.-The-Nigerian-State-and-Environmental-Justice-in-Niger-Delta-Evidence-from-Rivers-State.pdf>> accessed 26 October 2025

These ecological crises have undermined traditional livelihoods and deepened socio-economic marginalisation.

In *Social and Economic Rights Action Centre (SERAC) and the Centre for Economic and Social Rights v. Nigeria* (2001), the African Commission on Human and Peoples' Rights found that Nigeria failed to prevent oil companies from violating the Ogoni people's rights to health, housing, and a satisfactory environment. This decision became a landmark for environmental justice across Africa but was never fully implemented. The continuing pollution and poverty in Ogoniland underscore the limits of international law when domestic enforcement is weak.³⁸ They reveal a wider truth: rights without remedies remain rhetorical.³⁹

Nigeria's environmental governance remains fragmented, with overlapping institutional mandates that weaken coordination and accountability. The Climate Change Act 2021⁴⁰ sought to centralize oversight through the National Council on Climate Change, yet its placement under the Federal Ministry of Environment and reliance on public funding restrict its autonomy and policy responsiveness.⁴¹ Similarly, the Petroleum Industry Act 2021⁴² introduced Host Community Development Trusts to channel benefits to oil-producing areas, but decision-making is still dominated by corporate and governmental actors, leaving communities with limited participation and poorly structured remediation funding. These reforms, while progressive in form, continue to reproduce centralised and exclusionary patterns of governance inherited from earlier regimes.⁴⁴

This disconnect between legislative aspiration and practical reality extends to gender policy. Nigeria's *National Gender Policy* (2006, revised 2021) seeks to mainstream gender across environmental and economic decision-making spheres and promote equitable participation in governance.⁴⁵ However, despite its inclusive vision, the policy lacks statutory force and relies on voluntary institutional adoption, which limits its impact and allows entrenched gender inequalities to persist in both policy design and implementation.⁴⁶ Empirical studies reveal that women in oil-

³⁸ SA Ebeku, 'The Right to a Satisfactory Environment and the African Commission' *African Human Rights Law Journal* (2004) 4 149–166

³⁹ M Addaney, B Olutola and C Kabaseke, 'Protecting Environmental Rights in the Context of Oil Extraction in Africa' *Environmental Governance in Africa* (Springer 2019) 315–333 <https://link.springer.com/chapter/10.1007/978-3-030-27049-0_15> accessed 26 October 2025

⁴⁰ **The Climate Change Act 2021**, <<https://faolex.fao.org/docs/pdf/NIG208055.pdf>>

⁴¹ B Sunny-Hart, 'Legal and Institutional Framework of the Oil and Gas Industry in Nigeria: A Critical Overview' *African Journal of International and Environmental Law* (2024) 12 67 <<https://ajieel.com/index.php/a/article/download/95/91>> accessed 26 October 2025

⁴² **Petroleum Industry Act 2021**, <<https://ngfcp.nuprc.gov.ng/wp-content/uploads/2022/09/Petroleum-Industry-Act-2021-pdf-searchable.pdf>>

⁴³ GO Omokaro, OS Efeni and OI Adeyanju, 'Oil Spillage in the Niger Delta: Impacts, Institutional Failures, and Policy Reforms' *Academic Journal of Environmental Sciences* (2025) 14 (2) 118–132 <<https://www.academia.edu/2997-6006/2/3/10.20935/AcadEnvSci7827>> accessed 26 October 2025

⁴⁴ AR Fadeke and AA Mashood, 'The Legal Framework for Enforcing Corporate Environmental Responsibility of Oil Companies on Host Communities in Nigeria' *Obafemi Awolowo University Law Journal* (2024) 3 45 <<https://oaulj.oauife.edu.ng/index.php/oaulj/article/view/15>> accessed 26 October 2025

⁴⁵ FMWA, 'National Gender Policy' *Federal Republic of Nigeria, Federal Ministry of Women Affairs and Social Development* (2006, revised 2021) <<https://faolex.fao.org/docs/pdf/nig228614.pdf>> accessed 26 October 2025.

⁴⁶ FMWA, 'National Gender Policy' *Federal Republic of Nigeria, Federal Ministry of Women Affairs and Social Development* (2006, revised 2021) <<https://faolex.fao.org/docs/pdf/nig228614.pdf>> ; A A Maduka, 'Effective Implementation of Gender and Development Policy in a Public Tertiary Health Institution in Maiduguri, Borno State, Nigeria' *International Journal of Research and Innovation in Social Science* (2023) 7(6) 455–463 <<https://rsisinternational.org/journals/ijriss/articles/effective-implementation-of-gender-and-development-policy-in-a-public-tertiary-health-institution-in-maiduguri-borno-state-nigeria/>> accessed 26 October 2025.

⁴⁷ AV Uche and IS Udochukwu, 'Gender Mainstreaming in Nigeria: A Historical Perspective' *International Journal of Research and Innovation in Social Science* (2022) 6(3) 112–120 <<https://rsisinternational.org/journals/ijriss/articles/gender-mainstreaming-in-nigeria-a-historical-perspective/>> accessed 26 October 2025.

producing areas of the Niger Delta experience disproportionate exposure to environmental and health risks, economic loss, and social exclusion arising from oil pollution and ecosystem degradation.⁴⁷ They also remain largely excluded from leadership and decision-making roles within community development and restoration programmes.⁴⁸ The consistent failure to integrate women's knowledge and lived experience undermines social equity and weakens environmental sustainability, as gender-blind governance structures continue to reproduce historical hierarchies under the guise of modernization.⁴⁹

The Nigerian judiciary has occasionally acted as a counterbalance to executive inertia. In *Gbemre v Shell Petroleum Development Company*, the Federal High Court held that gas flaring violated the constitutional rights to life and dignity.⁵⁰ This judgment represented an important step towards environmental constitutionalism, but it was never enforced, revealing the limits of judicial authority without political commitment.⁵¹ In *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation*, the Supreme Court affirmed that citizens and civil society organisations have standing to sue in the public interest.⁵² This interpretation marked progress in environmental accountability, although political interference and procedural barriers have curtailed its effect.⁵³ Nigerian courts hold significant normative authority, but their judgments often remain declaratory when unaccompanied by institutional support.

Studies show that NOSDRA's dependence on oil company data severely compromises its independence and oversight capacity.⁵⁴ The agency's limited technical capacity and chronic underfunding leave it vulnerable to corporate manipulation and political pressure, resulting in delays in spill assessment and cleanup.⁵⁵ Analyses of the Niger Delta's governance structure confirm that

⁴⁸ B. Olowola, 'The Ripple Effect of Women's Inclusion in Nigeria's Oil Industry' *This Day Live* (2024) <<https://www.thisdaylive.com/2024/07/16/the-ripple-effect-of-womens-inclusion-in-nigerias-oil-industry/>> accessed 26 October 2025.

⁴⁹ AV Uche and IS Udochukwu, 'Gender Mainstreaming in Nigeria: A Historical Perspective' *International Journal of Research and Innovation in Social Science* (2022) 6(3) 112–120 <<https://rsisinternational.org/journals/ijriss/articles/gender-mainstreaming-in-nigeria-a-historical-perspective/>> accessed 26 October 2025.

⁵⁰ *Gbemre v Shell Petroleum Development Company* (2005) AHRLR 151

⁵¹ EC Okonkwo, 'Assessing the Role of the Courts in Enhancing Access to Environmental Justice in Oil Pollution Matters in Nigeria' *African Journal of International and Comparative Law* (2020) 28(4) 557–576 <https://www.researchgate.net/publication/341086318_Assessing_the_Role_of_the_Courts_in_Enhancing_Access_to_Environmental_Justice_in_Oil_Pollution_Matters_in_Nigeria> accessed 26 October 2025; EH Nyekwere, U Nnawulezi and S E Adiyatma, 'Constitutional and Judicial Interpretation of Environmental Laws in Nigeria, India and Canada' *Law and Environmental Studies Review* (2023) 7(2) 155–174

<<http://pure.jgu.edu.in/id/eprint/7209/1/document.pdf>> accessed 26 October 2025.

⁵² *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* [2019] 5 NWLR (Pt 1666) 518 (SC)

⁵³ CI Okpara and CO Itafu-Njar, 'Public Interest Litigation in Nigeria: A Tool for Advancing Environmental Justice and Sustainable Development' *Olawale Law Journal* (2025) <<https://journals.ezenwaohaetorc.org/index.php/OLJ/article/viewFile/3240/3378>> accessed 26 October 2025.

⁵⁴ GO Omokaro, OS Efeni and OI Adeyanju, 'Oil Spillage in the Niger Delta: Impacts, Institutional Failures, and Policy Reforms' *Academic Environmental Science Journal* (2025) <<https://www.academia.edu/2997-6006/2/3/10.20935/AcadEnvSci7827>> accessed 29 October 2025

⁵⁵ IS Aliyu and SU Abubakar, 'Legal Frameworks and Challenges for Environmental Protection in Nigeria: An Appraisal of Enforcement Mechanisms' *International Journal of Multidisciplinary Research and Sustainable Policy* (2025) <<https://internationalpublishersijmrasfp.com/wp-content/uploads/2025/10/Legal-Frameworks-and-Challenges-for-Environmental-Protection-in-Nigeria-An-Appraisal-of-Enforcement-Mechanisms.pdf>> accessed 29 October 2025

⁵⁶ OG Godday and AK Anya, 'Legal and Institutional Aspects of the Control of Oil Pollution in Nigeria' *KBLSP Journal of Law and Policy* (2024) <<https://kblsp.org.ng/index.php/kblsp/article/view/47>> accessed 29 October 2025

enforcement processes are often captured by rent-seeking networks, where compensation and penalties are negotiated rather than legally enforced.⁵⁶

Earlier comparative research describes NOSDRA as a “toothless bulldog,” constrained by patronage, limited autonomy, and dependence on industry information.⁵⁷ Institutional reviews link this weakness directly to endemic corruption across Nigeria's petroleum governance system,⁵⁸ consistent with Transparency International's corruption indices, which have persistently ranked Nigeria among the world's most corruption-prone states. These findings reinforce the view that enforcement of environmental law has become less an instrument of justice and more a terrain of political bargaining, eroding public confidence in law as a vehicle for accountability.⁵⁹

Environmental degradation has also deepened spatial and gender inequality. In the Niger Delta, communities live amidst oil waste and insecurity, while in northern Nigeria desertification continues to displace pastoralists and farmers. Climate stress has intensified migration and conflict over land and water resources. The effects are particularly severe for women, who bear responsibility for food and household welfare yet face limited access to adaptation resources.⁶⁰ These disparities weaken the social fabric and challenge the ideal of equal citizenship. Democracy loses substance when environmental vulnerability determines one's capacity to live with dignity.

What emerges is a pattern of governance that is legally elaborate but morally thin. Nigeria's environmental laws often express the rhetoric of sustainability, yet institutions lack the integrity to realize it. The rule of law becomes procedural rather than substantive, existing in texts but absent in practice. This disjunction mirrors a deeper philosophical problem: a state that treats nature as revenue rather than heritage cannot cultivate civic trust. The earlier theoretical discussion in this study argued for a gendered environmental rule of law that connects legality with ethical responsibility. The Nigerian case shows how the absence of that moral integration corrodes both ecological stability and democratic culture.

4. Comparative Insights: South Africa and Ghana

The comparative experience of South Africa and Ghana illustrates how African legal systems can translate feminist, postcolonial, and environmental justice ideas into governance practice. Feminist jurisprudence demands the inclusion of marginalised voices, postcolonial theory critiques inherited hierarchies of power and knowledge, while environmental justice insists on ecological responsibility and public participation. Examining how these ideals have evolved in two reform-oriented settings provides concrete lessons for Nigeria and other resource-dependent democracies.

⁵⁷ E C Okonkwo, *Environmental Justice and Oil Pollution Laws: Comparing Enforcement in the United States and Nigeria* (Routledge 2020) <<https://www.taylorfrancis.com/books/mono/10.4324/9780429273438/environmental-justice-oil-pollution-laws-eloamaka-carol-okonkwo>> accessed 29 October 2025..

⁵⁸ C Brown, 'Improving Compliance and Enforcement of Environmental Regulation of the Petroleum Sector in Nigeria: The Role of Institutionalism' (University of the West of England Repository 2022) <<https://uwe-repository.worktribe.com/index.php/OutputFile/8510952>> accessed 29 October 2025

⁵⁹ A Abubakar, and others 'The Role of Government Institutions in Managing the Environment in Nigeria: Policy and Governance Review' *Borneo Science Journal* (2023) <<https://jurcon.ums.edu.my/ojums/index.php/borneo-science/article/view/4402/3122>> accessed 29 October 2025

⁶⁰ K Sam and others 'Socio-Economic Baseline for Oil-Impacted Communities in Ogoniland: Towards a Restoration Framework in Niger Delta, Nigeria' *Environmental Science and Pollution Research* (2024) 31 25671-25687 <<https://doi.org/10.1007/s11356-024-32805-0>> (accessed 26 October 2025).

South Africa provides the clearest constitutional foundation for environmental justice in Africa. Section 24 of the *Constitution of the Republic of South Africa, 1996* guarantees everyone the right to an environment that is not harmful to health or wellbeing and obliges the state to protect it through reasonable legislative and other measures.⁶¹ The *National Environmental Management Act 107 of 1998* operationalises this duty by embedding sustainability, equity and public participation in decision-making.⁶² Together, they form the basis of what Kotzé terms “environmental constitutionalism,” transforming ecological stewardship into a constitutional obligation.⁶³ Courts have given this framework substantive meaning: in *Fuel Retailers Association v Director-General: Environmental Management, Mpumalanga Province*,⁶⁴ the Constitutional Court required authorities to weigh environmental effects alongside economic benefits; *Mazibuko v City of Johannesburg*⁶⁵ confirmed the interdependence of social and environmental rights; and *Earthlife Africa Johannesburg v Minister of Environmental Affairs*⁶⁶ and *Trustees for the Time Being of GroundWork Trust v Minister of Environmental Affairs*⁶⁷ compelled the state to consider climate, air-quality and health impacts in project approvals. This jurisprudence links environmental protection with human dignity and justice,⁶⁸ though weak enforcement and political constraints continue to limit its transformative reach.

Institutionally, South Africa's environmental governance is supported by a dedicated strategy issued by the Department of Forestry, Fisheries and the Environment, which emphasises mainstreaming gender across the sector and strengthening women's leadership in biodiversity and climate initiatives.⁶⁹ The framework recognises that gender equity is integral to ecological sustainability, and while enforcement remains uneven, it reflects a coherent attempt to align legal rights, participatory mechanisms and gender inclusion in environmental governance.

Ghana presents a distinct model of environmental governance grounded in decentralisation and community participation. The *Environmental Protection Agency Act 1994 (Act 490)*⁷⁰ established the Environmental Protection Agency as both a regulator and a facilitator of public participation,

⁶¹ *Constitution of the Republic of South Africa* 1996 (Act 108 of 1996) s 24 <<https://www.justice.gov.za/constitution/chp02.html>> accessed 28 October 2025

⁶² *National Environmental Management Act* 107 of 1998 <<https://www.gov.za/documents/national-environmental-management-act>> accessed 28 October 2025

⁶³ LJ Kotzé, 'The Conceptual Contours of Environmental Constitutionalism' *Widener Law Review* 187–212 (2015) 21(2)

⁶⁴ *Fuel Retailers Association of Southern Africa v Director-General: Environmental Management, Mpumalanga Province and Others* (CCT 67/06) [2007] ZACC 13; 2007 (10) BCLR 1059 (CC) <<https://www.saflii.org/za/cases/ZACC/2007/13.html>> accessed 28 October 2025

⁶⁵ *Mazibuko and Others v City of Johannesburg and Others* (CCT 39/09) [2009] ZACC 28; 2010 (3) BCLR 239 (CC) <<https://www.saflii.org/za/cases/ZACC/2009/28.html>> accessed 28 October 2025

⁶⁶ *Earthlife Africa Johannesburg v Minister of Environmental Affairs* ([2017] 2 All SA 519 (WCC))

⁶⁷ *Trustees for the Time Being of GroundWork Trust and Others v Minister of Environmental Affairs and Others* ([2022] ZAGPPHC 266) (“Deadly Air Case”) <<https://www.saflii.org/za/cases/ZAGPPHC/2022/266.html>> accessed 28 October 2025

⁶⁸ LJ Kotzé, 'The Right to a Healthy Environment and Law's Hidden Subjects' *American Journal of International Law Unbound* (2023) 117 194–198 <<https://www.cambridge.org/core/journals/american-journal-of-international-law/article/right-to-a-healthy-environment-and-laws-hidden-subjects/AF09D853862559CA806FDF143F2261CD>> accessed 28 October 2025

⁶⁹ Department of Forestry, Fisheries and the Environment, *Strategy toward Gender Mainstreaming in the Environment Sector 2016-2021 (extended to 2025)* (Republic of South Africa 2016) <<https://www.dffe.gov.za/sites/default/files/docs/strategy.framework/gendermainstreaming2025extended.pdf>> accessed 26 October 2025

⁷⁰ *Environmental Protection Agency Act* 1994 (Act 490) <<https://ghalii.org/akn/gh/act/1994/490/eng%401994-12-30>> accessed 28 October 2025

⁷¹ AS Mohammed and FX Tuokuu, 'Decentralization and Local Government Performance: Empirical Evidence from Ghana' *African Journal of Political Science* (2025) <<https://journals.sagepub.com/doi/abs/10.1177/00219096241228777>> accessed 28 October 2025; J Gasu and GK Agbley, 'Decentralising for Democratic Polycentric Local Government System in Ghana: Challenges for Sustainable Development' in *Local Government and Sustainable Development* (Springer 2022) <https://www.researchgate.net/publication/365364887_Domestic_Revenue_Mobilization_Institutional_Challenges_in_Ghana's_Decentralization_System> accessed 28 October 2025

mandating collaboration with district assemblies in environmental planning and management. Studies show that decentralisation has enhanced accountability and local ownership of environmental decisions, though uneven institutional capacity persists.⁷¹ Traditional authorities remain integral to this system. Chiefs mediate land use and act as custodians of customary resources, influencing district environmental policies and community compliance.⁷² Yet decentralisation has also diluted some of their power, creating tension between elected officials and customary leaders.⁷³ Despite this, traditional leadership continues to provide local legitimacy for environmental regulation.⁷⁴

Gender inclusion remains a significant challenge. Research on Ghana's decentralised governance reveals persistent barriers to women's participation in district assemblies and environmental committees, rooted in social norms and institutional bias.⁷⁵ Initiatives promoting gender sensitivity and capacity building within local institutions have achieved modest progress in incorporating women's perspectives into policy processes.⁷⁶ Overall, Ghana's hybrid system (combining statutory, customary and participatory mechanisms) has improved social legitimacy in environmental governance, even as structural inequalities limit the full integration of gender and traditional authority into decision-making.

Comparing the two models reveals a core lesson: environmental democracy flourishes where rights and participation reinforce each other and where gender inclusion is institutionalised rather than aspirational. South Africa's strength lies in judicial enforceability and constitutional accountability; Ghana's in local legitimacy and participatory resilience. Nigeria, by contrast, remains constrained by weak enforcement and limited civic participation. Sustainable environmental governance therefore requires the fusion of constitutional authority with participatory accountability, ensuring that both people and planet are protected by law.

5 Gendered Impacts and Local Realities

Environmental degradation in Nigeria is not an abstraction but a social and political condition that reveals the limits of state accountability and democratic inclusion. It is expressed in poisoned rivers, infertile soils, and the disintegration of social relations that once anchored community life. Women occupy the centre of this crisis. They work as farmers, traders, and caregivers within an extractive economy that depends on their labour yet denies them authority in governance. The Niger Delta provides a case study of this contradiction. Oil extraction has destroyed mangrove ecosystems, polluted farmlands, and impoverished communities. Empirical research shows that women's economic independence collapses under the weight of contamination and exclusion from

⁷² BQ Honyenuga and EH Wutoh, 'Ghana's Decentralized Governance System: The Role of Chiefs' *International Journal of Public Leadership* (2019) <<https://www.emerald.com/insight/content/doi/10.1108/ijpl-01-2018-0005/full/html>> accessed 28 October 2025

⁷³ POW Adjei and AK Busia, 'Democratic Decentralization and Disempowerment of Traditional Authorities under Ghana's Local Governance and Development System: A Spatio-Temporal Review' *Journal of African Studies* (2017) <https://www.researchgate.net/publication/320615380_Democratic_decentralization_and_disempowerment_of_traditional_authorities_under_Ghana's_local_governance_and_development_system_a_spatio-temporal_review.pdf> accessed 28 October 2025

⁷⁴ Ibid

⁷⁵ JS Boateng, *Women in District Assemblies in Ghana: Gender Construction, Resistance and Empowerment* (PhD thesis, Edith Cowan University 2017) <<https://ro.ecu.edu.au/cgi/viewcontent.cgi?article=3050&context=theses>> accessed 28 October 2025

⁷⁶ POW Adjei, R Serbeh, JO Adjei and KA Busia, 'Women's Political Participation and Performance as Local Government Authorities under Ghana's Decentralization System' *Public Organization Review* (2022) <https://link.springer.com/article/10.1007/s43545-022-00559-6> accessed 28 October 2025

⁷⁷ LA Amadi and MM Ogbanga, 'Climate Change and Feminist Environmentalism in the Niger Delta, Nigeria' *African Journal of Political Science and International Relations* (2015) <<https://academicjournals.org/journal/AJPSIR/article-full-text/BE6B2E454840>> accessed 28 October 2025; N Eke, *Gender and the Political Economy of Oil in the Niger Delta: A Feminist Critique* (PhD thesis, Syracuse University 2021) <<https://surface.syr.edu/cgi/viewcontent.cgi?article=2438&context=etd>> accessed 28 October 2025.

⁷⁸ EE Anugwom and KN Anugwom, 'The Other Side of Civil Society Story: Women, Oil and the Niger Delta Environmental Struggle in Nigeria' *GeoJournal* (2009) 74 (4) 301–313 <<https://link.springer.com/article/10.1007/s10708-008-9239-4>> accessed 28 October 2025

compensation processes.⁷⁷ This dispossession is not accidental. It reflects a political economy that treats women's care work as expendable while rewarding male elites who mediate access to oil rents.⁷⁸

The gendered cost of extraction extends beyond the Niger Delta. In northern Nigeria, the encroachment of the desert has eroded livelihoods and intensified social precarity. Women farmers adapt through seed preservation and collective irrigation, yet their innovations are ignored in policy discourse.⁷⁹ This exclusion reveals what Ejem and Ben-Enukora identify as epistemic injustice, where local and gendered knowledge systems are excluded from what counts as environmental expertise.⁸⁰ The result is a technocratic model of governance that reproduces the inequalities it claims to solve.

Environmental degradation also exposes a moral crisis in public health. Studies link hydrocarbon exposure in oil-producing communities to reproductive and neonatal complications.⁸¹ Women become the unacknowledged first responders, caring for sick relatives in the absence of state intervention. Such patterns confirm ecofeminist arguments that environmental harm in patriarchal societies operates as a form of structural violence.⁸² Yet, within this landscape of neglect, women's resistance has redefined environmental politics. Organisations such as the Niger Delta Women for Justice and the Ogoni Women's Peace Network contest the state's monopoly over environmental discourse, reframing pollution as a question of human dignity rather than mere resource management.⁸³ Their activism contributed to gender commitments in Nigeria's Climate Change Act (2021), but the absence of budgetary support and weak inter-agency coordination leave these promises unfulfilled.

Nigeria's environmental governance lags behind its regional counterparts, revealing a deeper moral and philosophical crisis. Whereas South Africa institutionalizes gender-responsive ecological frameworks and Ghana integrates women into local decision-making, Nigeria's reforms remain largely rhetorical.⁸⁴ African ecofeminist thinkers interpret this as a rupture in relational ethics; the moral foundation that links human and ecological well-being.⁸⁵ By excluding women voices,

⁷⁹ CJ Ndu-Ogbuji and KR Mbelegberi, 'Environmental Pollution and Women Vulnerability in Rivers State: The Way Forward' *International Journal of Humanities and Social Science Research* (2023) <<https://www.neliti.com/publications/605197/environmental-pollution-and-women-vulnerability-in-rivers-state-the-way-forward>> accessed 28 October 2025

⁸⁰ A Ejem and C A Ben-Enukora, 'Gendered Impacts of 2022 Floods on Livelihoods and Health Vulnerability of Rural Communities in Select Southern States in Nigeria' (2025) *Discover Social Sciences and Health* 5(67) <<https://doi.org/10.1007/s44155-025-00211-7>> accessed 28 October 2025

⁸¹ O Oluduro and E Durojaye, 'The Implications of Oil Pollution for the Enjoyment of Sexual and Reproductive Rights of Women in Niger Delta Area of Nigeria' *The International Journal of Human Rights* (2013) 17 (3) 421–441 <<https://www.tandfonline.com/doi/abs/10.1080/13642987.2013.835911>> accessed 28 October 2025

⁸² OF Ogechi, *The Niger Delta Environmental Exploitation: A Challenge to Ecofeminism* (2019) <https://www.academia.edu/download/88204973/THE_NIGER_DELTA_ENVIRONMENTAL_EXPLOITATION_A_CHALLENGE_TO_ECOFEMINISM.pdf> accessed 28 October 2025; K Friesenhan, 'Voices from the Fringes: The Eco-Poetics of Niger Delta Women' *Journal of Literary Studies* (2024) 40 (2) 189–206 <<https://journals.co.za/doi/abs/10.1080/18125441.2024.2363233>> accessed 28 October 2025

⁸³ N Chukwu, *Women as Eco-Activists in Selected Niger Delta Novels and Plays* (PhD thesis, University of Port Harcourt 2021) <<https://pgsdspace.ictp.it/xmlui/bitstream/handle/123456789/1138/chukwu.pdf>> accessed 28 October 2025.

⁸⁴ NC Maduekwe, I Egeruoh-Adindu and PA Okparavero, 'Eco Feminism and Women Representation in Governance: A Critical Analysis of the Nigerian Legal Framework' *Beijing Law Review*, (2025) 16 398

⁸⁵ EA Oboh, 'The role of feminist environmental ethics in curbing gender-based violence' *South African Journal of Philosophy*, (2025). 44(2), 274–284. <<https://doi.org/10.1080/02580136.2025.2500191>>; M Mensah, A van Wynsberghe, 'Sustainable AI meets feminist African ethics' (2025), *AI Ethics* 5, 4293–4303 <<https://doi.org/10.1007/s43681-025-00705-9>>

⁸⁶ MW Dube, 'African Eco-feminisms: African Women Writing Earth, Gender and the Sacred' in *African Ecofeminisms* (Springer 2024) 1 <https://link.springer.com/chapter/10.1007/978-3-031-48509-1_1> accessed 29 October 2025; M Chemhuru, *Environmental Justice in African Philosophy* (Routledge 2022)

<<https://www.taylorfrancis.com/books/mono/10.4324/9781003176718/environmental-justice-african-philosophy-munamoto-chemhuru>> accessed 29 October 2025

Nigerian law undermines its own legitimacy and disconnects governance from the communal ethics central to African understandings of justice and sustainability.⁸⁶

The failure to integrate gendered experience into environmental governance also exposes the contradictions of Nigeria's developmental model. Article 22 of the African Charter defines development as a collective right rooted in dignity and participation. Nigeria's focus on extractive growth violates this vision by privileging capital accumulation over human and ecological balance. True development requires the inclusion of those who sustain the land yet remain voiceless in its governance. Environmental democracy cannot be imposed from the top; it must be cultivated through participation, care, and accountability. The struggle of Nigerian women for recognition and justice reveals that the future of democratic governance in the country depends not on new laws but on a reimagining of what counts as knowledge, power, and belonging.

6 Conclusion and Recommendations

The preceding analysis has followed the thread that connects environmental degradation, gender inequality, and the erosion of democratic accountability in Nigeria. The argument developed across this paper has shown that law, when detached from the moral and ecological realities of citizens' lives, loses both legitimacy and purpose. The comparative lessons from South Africa and Ghana illustrated that environmental democracy flourishes when the protection of nature and the inclusion of women become inseparable from the rule of law. These insights now return home to Nigeria, where democratic renewal demands more than periodic elections: it requires an ethical and institutional re-orientation that unites ecological integrity with social justice.

Three broad findings emerge clearly. First, environmental injustice and gender exclusion together weaken the rule of law and corrode public trust. Communities that endure pollution and neglect cannot meaningfully participate in governance. Second, although Nigeria possesses a complex body of environmental legislation, including the *Climate Change Act 2021* and the *Petroleum Industry Act 2021*, implementation remains inconsistent and politically constrained. Rights exist in statute but not in practice. Third, the pursuit of democracy cannot be separated from the quest for ecological balance. A political system that sacrifices the environment or excludes women from decision-making undermines its own constitutional foundation.

The paper therefore calls for reforms that are both structural and moral. Institutional renewal should begin with the judiciary. The creation of specialised Environmental and Gender Justice Chambers in federal and state courts would provide focused expertise and faster resolution of environmental claims. Judicial officers must be trained in ecological and gender-sensitive adjudication, supported by collaboration with universities and civil-society organisations. At the administrative level, agencies such as the National Environmental Standards and Regulations Enforcement Agency and the Hydrocarbon Pollution Remediation Project should be insulated from political pressure through guaranteed tenure and transparent oversight.

Legislative reform is equally important. Nigeria's environmental statutes remain fragmented, producing duplication and gaps. A consolidated Environmental Governance Act should unify these provisions within a rights-based framework and domestic relevant regional and global norms, including the *African Charter on Human and Peoples' Rights* and the *Paris Agreement*. Such an Act must also mandate gender representation in all resource-management boards and in environmental-impact assessment processes. Legal harmonisation will not only improve efficiency but signal that environmental and gender rights are integral to national development policy.

For democracy to take root, participation must extend beyond the ballot box. Civic monitoring mechanisms should enable communities to track pollution levels, remediation projects, and corporate compliance. Expanding public access to environmental information under the *Freedom of Information Act* would foster accountability and rebuild trust between citizens and the state.

Partnerships between local women's networks and environmental regulators can strengthen oversight and embed indigenous knowledge in policy design.

Regional and global alignment remains essential. Nigeria's reforms must correspond with the *African Union Agenda 2063*, the *2030 Agenda for Sustainable Development*, and the *ECOWAS Environmental Policy 2022*. These frameworks collectively emphasise gender equality, institutional integrity, and ecological stewardship. Closer collaboration with the ECOWAS Court of Justice and the African Commission on Human and Peoples' Rights would promote cross-border accountability and prevent environmental harm that transcends national boundaries.

Yet the implementation of these reforms will confront real obstacles. Political resistance from vested interests, limited fiscal resources, and bureaucratic inertia could slow progress. Overcoming them requires sustained public pressure, regional solidarity, and the moral leadership of scholars, judges, and community actors who see governance as a collective responsibility. Law alone cannot transform society unless those who interpret and enforce it are animated by a shared vision of justice.

Looking ahead, future research should investigate how Nigeria's emerging green-transition policies affect gendered livelihoods, especially in agriculture and renewable-energy sectors. Comparative studies could examine whether judicial environmental activism in Kenya, Uganda, and South Africa offers models adaptable to Nigeria's federal system. Longitudinal studies on community-based monitoring would also enrich understanding of how participation shapes trust in public institutions over time. These inquiries would deepen the empirical base for the normative claims advanced here and provide data for evidence-driven reform.

Ultimately, Nigeria's democratic sustainability depends on a transformation of both law and culture. The rule of law must evolve from procedural formality to a living practice of justice grounded in care, accountability, and inclusion. Environmental protection and gender equality are not peripheral to democracy; they constitute its ethical substance. A state that governs responsibly toward its environment and equitably toward its citizens rebuilds not only its institutions but its moral authority. The right to development, understood in this holistic sense, becomes the bridge between economic ambition and human dignity. When law, ecology, and equality converge, democracy in Nigeria may finally find the integrity and resilience it has long promised but seldom achieved.