

COMPARATIVE EVALUATION OF LEGAL FRAMEWORKS ON ENVIRONMENTAL RIGHTS FROM SELECTED JURISDICTIONS: APPRAISAL OF CONSTITUTIONAL PROVISIONS*

Abstract

This paper aims to comparatively evaluate the legal frameworks on environmental rights from selected jurisdictions such as India, Ethiopia, the United Kingdom (UK), Pakistan, Malawi, and Spain, emphasising the Constitutional provisions about environmental rights. The paper uses Nigeria in conducting the comparative evaluation. In order to achieve the aim of this study, the researcher used a doctrinal method of research. The applied research method allowed the researcher to source data from statutory provisions, judicial precedents and other existing works of literature. This paper finds that contrary to the stances of the judiciary some decades ago, environmental rights now enjoy the same recognition as other fundamental human rights available in society. However, equal status is not given to environmental rights protection under the Constitutions of all the States recognised by the United Nations. For instance, the approach available for the protection of environmental rights under the Nigerian Constitution is different from the ones available for the same protection under the Ghanaian, Indian and Ethiopia Constitutions. This implies that the Nigerian Constitution places little emphasis on the right of Nigerians to a healthy environment compared to other jurisdictions' constitutional provisions and judicial decisions. This paper makes a credible contribution to knowledge and practice as it benchmarks the constitutional provisions of various constitutions on environmental rights, ideally selecting developed and developing countries from Europe, Africa, the Middle East and Asia.

Keywords: Environmental Rights, Nigeria, Constitution, India, Sustainability

1. Introduction

The underutilisation of the potent and expansive tools for environmental protection in Africa is owed to the fact that domestic legal frameworks such as the National Constitutions of States contain provisions on the environment that are either unenforceable or not justiciable.¹ The conventional perspective on environmental issues holds that economic development and environmental protection are mutually exclusive.² As a result, states have been struggling to strike the right balance between the development of economic resources and environmental protection. In fact, a class of rights known as environmental rights is now found in well over 60 national constitutions worldwide.³ The United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities noted that during its analysis of the relationship between human rights and the environment. The commission found that the Constitutions of over sixty States contain specific provisions relating to environmental protection. The call for the recognition of environmental rights as a separate and distinct right was prompted by the inadequacy of existing legal mechanisms to protect man and the environment from the encroachment of modern technology.⁴ While there are many different constitutional provisions pertaining to environmental protection, the main focus of any given society is mainly the improvement of the well-being of its members. These provisions range from those that impose an 'explicit' constitutional duty on the State to pursue environmentally sound development, sustainable use of natural resources, and the maintenance of a safe and healthy environment for citizens to those that recognise an individual's right to a healthy environment and their responsibility to protect and conserve the environment.

In Nigeria, the 1999 Constitution (as amended) has an environmental protection provision, which seems like a great accomplishment. However, observation shows a significant difficulty regarding the justiciability of the constitutional provisions concerning the protection of environmental rights. Nonetheless, a sizable number of environmental protection legislation have been passed in accordance with the legislators' authority as stated in s. 4 of the Constitution of 1999. According to the aforementioned provision, the National Assembly, which is composed of the Senate and the House of Representatives, has the authority to enact laws for the nation. In light of this, the National Assembly is empowered to enact legislation for the nation's or any portion of its good governance, peace, and order with regard to any subject covered by the Exclusive Legislative List outlined in Part I of the Second Schedule to the 1999 Constitution.⁵ The reality is that all other environmental protection laws and ideals in Nigeria are rendered ineffective by the inherent complexity in enforcing the environmental provisions of the country's constitution. This paper seeks to comparatively evaluate the legal frameworks on environmental rights with emphasis on Constitutional provisions in Nigeria and other selected jurisdictions such as India, the UK, Ethiopia, Malawi, Ghana, Pakistan and Spain. In the subsequent sections of this paper, a comparative review will be done specifically for three jurisdictions; this will be followed by a collective analysis of jurisdictions like Pakistan, Spain and Malawi. Finally, the paper will benchmark Nigeria's constitutional provisions on environmental rights with those of other States.

2. Comparative Evaluations

India

Part III of the Indian Constitution protects human rights throughout the country.⁶ Although Part IV of the Indian Constitution provides guarantees for environmental protection,⁷ Part IV and Part III⁸ are complimentary to each other. Part III is the control mechanism, while

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¹ G., Agbaitoro. 'Constitutional Environmental Law: Giving Force to Fundamental Principles in Africa' (2000) *Environmental Law Institute Research Report*.

² E Okon, 'The Environmental Perspective in the 1999 Nigerian Constitution' Vol. 5, No. 4, (2003), *Environmental Law Review*, 256-278.

³ KS Ebeku, 'The right to a satisfactory environment and the African Commission', 3 (2003) *African Human Rights Journal*, pp. 149-166.

⁴ L Atsegbua, F Dimowo & V Akpotiare, *Environmental Law in Nigeria: Theory and Practice*, (Lagos: Ababa Press Ltd, 2004), p. 130.

⁵ J Akande, 'Allocation of environmental responsibilities under the Nigerian constitution: Institutional challenges and conflict' in Ajomo M.A. and Adewale O. (eds), *Environmental Law and Sustainable Development in Nigeria* (NIALS: Lagos, 1994), p. 36-9.

⁶ See Arts. 14-32 of the Indian Constitution.

⁷ See Section 48A of the Indian Constitution, which provides that "The State shall endeavour to protect and improve the environment and to safeguard the forest and wild life of the country."

⁸ Indian Constitution

Part IV places obligations on the state.⁹ Article 48A declares that ‘the states shall endeavour to protect and improve the environment and to safeguard the forest and wide life of the country’.¹⁰ The state is required to safeguard and enhance the environment. The Constitution also provides that ‘It shall be the duty of every citizen of India to protect and improve the natural environment, including forests, lakes, rivers, and wildlife, and to have compassion for living creatures’.¹¹ The fact that protecting the environment is a fundamental obligation of both the state and every (legal) person¹² makes Articles 48A and 51A (g) distinctive. The Indian constitution protects a person's fundamental right to life, which includes the right to protect the environment.¹³ Using the environmental provisions of Part IV of the Constitution to amplify the constitutional right to life, Indian courts have recognised the right of every Indian to live in a healthy or pollution-free environment in the domain of environmental protection.¹⁴ Similar to Nigeria, India's Constitution did not include any explicit provisions for environmental preservation at first. However, the Stockholm Declaration, growing environmental consciousness worldwide in the 1970s, and growing environmental crisis awareness led the Indian government to approve the 42nd Amendment to the Constitution in 1976.¹⁵ Environmental protection and enhancement are presently mandated by the constitutions of both India and Nigeria, yet there is a significant and noticeable variation in the approaches to enforcing these laws through the legal system. The Indian judiciary has been instrumental in promoting the environmental protection clause in the country, perceiving it as a commitment from a nation that upholds the principles of a welfare state.

Article 48A of the Indian Constitution states that the State ‘shall endeavour to protect and improve the environment and to safeguard the forests and wild-life of the country.’¹⁶ This provision imposes a constitutional responsibility on the Government of India to ensure that no harm is done to the environment, forests, and wildlife of India. The Indian Constitution contains specific provisions for environmental protection, which also fall under the chapters of Directive Principles of State Policy. This obligation seems to be in line with globally acknowledged best practices for environmental preservation. In addition, article 51A (g) places a ‘duty on every citizen of India to protect and improve the natural environment including forests, lakes, rivers, and wild life, and to have compassion for living creatures’.¹⁷ The intention of this later clause seems to supplement the obligation placed on the State because protecting the environment seems to be a shared responsibility that cannot be compromised, rather than only the government's role. Unfortunately, the aforementioned provisions, which are a part of the Directive Principle and State Policy in the Indian Constitution, are not enforceable by any court.¹⁸ This implies that, similar to Nigeria, there is no way to enforce any section of the Directive Principles and State Policy in Part IV of the Indian 1976 Constitution through court action. Article 32 of the said Indian Constitution, however, ensures that every person has the right to petition the Supreme Court in the event that their fundamental rights under Article 21 are infringed upon or endangered. As a result, the Indian courts are currently using the provisions of the Constitution's Fundamental Rights to convert the Directive Principles of State Policy into binding obligations. It should be noted that the Indian judiciary has gained recognition from the international society for its judicial activity over this period of time due to the attitude it has displayed. Unlike Nigeria, India's courts have had great success in protecting the environment by interpreting environmental protection rights under various circumstances. This has been made possible by applying the ‘harmonious construction’ doctrine to both enforceable Fundamental Rights and unenforceable Directive Principles of State Policy.

The Supreme Court of India viewed the right to a healthy environment as part of the right to life provided by Article 21 of the Indian Constitution in the case of *Charan Lal Sahu v. Union of India*.¹⁹ The court acknowledged in *M.C. Mehta v Union of India*²⁰ that industrial dangers and environmental pollution are potential civil torts as well as human rights violations. In the case of *Rural Litigation and Entitlement of Kendra v Union of India (Doon Valley Limestone Quarrying Case –II)*,²¹ the Supreme Court of India was faced with the difficult task of weighing the trade-off between the economic advantages of the activity and the environmental effects of commercial exploitation. The Supreme Court of India, for its part, held that the right to an unpolluted environment, specifically clean water and air, is guaranteed by Article 21 of the Constitution. In an effort to save their ecosystem, a public interest petition led the court to order the cessation of any new quarrying in the Dehra Dun District's Himalayan area. Judging from the foregoing, India has been regarded as one of the nations with the greatest expertise in interpreting environmental protection-related constitutional provisions.²²

The United Kingdom

In the 2020 Environmental Performance Index ranking, the United Kingdom came in at number four out of 180 countries, with an Environmental Performance Index of 81.3%.²³ This is true even though the state's flexible unwritten constitution does not explicitly state that citizens have a right to a clean and healthy environment. The different national laws that seek to accomplish environmental sustainability within the state by regulating activities related to pollution, animal conservation, and climate change constitute the accessible environmental frameworks in the United Kingdom. These national laws include the Climate Change Act,²⁴ which aims to reduce carbon dioxide emissions in the UK by 80% by 2050, the Control of Pollution Act,²⁵ which regulates air, noise, water, land, and

⁹ See *Kesaranda Bharati v. State of Kerala*, AIR 1973 SC 1506. Note that in pursuance to the Stockholm Declaration, Articles 51A and 48A were introduced in the constitution of India in 1976.

¹⁰ Article 48A Indian Constitution of 1976.

¹¹ *Ibid* Article 51A (g).

¹² *Ibid*.

¹³ *Ibid*, Article 21.

¹⁴ *Fancis Coralie Mullin v Union Territory of India* (1981) AIR SC 746 at Pp. 752-753

¹⁵ The Indian Constitution 1976, *Op. Cit*.

¹⁶ *Ibid*, Article 37.

¹⁷ *Ibid*, Article 51(A) (g)

¹⁸ R Wolfrum & R Grote (eds), *Constitutions of the Countries of the World* (Greece: Oceana, 2011), p.22

¹⁹ AIR (1990)SC 1480

²⁰ (1988) AIR, HP 4.

²¹ (1996) 4 SCC 351

²² M Lau, The Scope and the Limits of Environmental Law in India, (1995) 4 (15) Rev. Eur. Community & Int'l Envtl. L.

²³ Environmental Performance Index. <https://epi.yale.edu/epi-results/2020/component/epi>. accessed 3/11/2023

²⁴ Climate Change Act, 2008.

²⁵ Control of Pollution Act, 1974.

atmospheric pollution, and the Environmental Protection Act,²⁶ which controls waste management and emissions into the environment. The Producer Responsibility Obligations²⁷ require manufacturers of goods that utilise packaging materials to collect and recycle a minimum of 92% of the materials used in packaging. This is a way of integrating the polluter pays principle. In the same vein, environmental harm to species on land, in surface, ground, or marine waters is prevented and remedied by the Environmental Protection Act.²⁸ and the Environmental Harm Regulation.²⁹ The people who intentionally allowed the contamination (landowners and occupiers) or who intentionally caused it (operators) are liable for the cleanup or remediation process. In an effort to attain environmental sustainability in the state, this is an extension of the occupier's obligation, requiring owners or inhabitants to accept adequate responsibility for the activities carried out or permitted to be carried out on their property. The Environment Act,³⁰ Which established the Environment body and the Scottish Environment Protection Agency as the national body for environmental protection and regulation in the UK was developed in order to enforce all of these laws and regulations. The agency takes enforcement very seriously and will occasionally forego immediate criminal prosecution in favour of civil punishments such as monetary fines, compliance notes, limitation and stop warnings, etc.

Ethiopia

The Ethiopian Constitution's third chapter³¹ adequately enshrines the right to a safe and healthy environment. The Constitution outlines environmental objectives and provides that 'the government will work to ensure that all persons live in a clean and healthy environment and that the design and implementation of development programmes and projects shall not harm or destroy the environment'.³² Ample provision is made safeguarding environmental rights, stating that everyone has the 'right to a clean and healthy environment'.³³ Additionally, the Constitution provides that 'everyone who has been displaced or whose livelihoods have been adversely affected as a result of state programmes has the right to monetary or alternative compensation, including relocation with adequate state assistance'.³⁴ It further stipulates that the government and the people have a duty to conserve the environment and that people have the right to full consultation and the opportunity to voice their opinions during the formulation and execution of environmental policies and projects that directly impact them.³⁵ As can be seen from the above, the Ethiopian Constitution clearly states that everyone has a 'human right' to a safe and healthy environment. This is not only because the right is stated in explicit terms but also because it is included in the most significant section of the document—the third chapter—and because the right is one of the document's core principles. Additionally, all federal and state legislative, executive, and judicial arms at all levels will be accountable for upholding the right. In addition, the Environmental Pollution Control proclamation³⁶ states that 'any person shall have the right, without the need to show any vested interest, to lodge a complaint at the Authority or the relevant regional environmental agency against any person allegedly causing actual or potential damage to the environment' and that 'the person who has lodged the complaints may institute a court case within sixty days from the date the decision was given or the deadline for decision has elapsed'³⁷ if the Authority or regional environmental agency fails to provide a decision within thirty days or if the person who has lodged the complaint is unhappy with the decision

Some Other Jurisdictions

Article 39 of the Ugandan Constitution, which declares that 'every Ugandan has a right to a clean and healthy environment'³⁸ further establishes the right to a healthy environment. Additionally, the Constitution states that the parliament must enact laws that manage the environment for sustainable development and safeguard it from misuse, pollution, and degradation.³⁹ Similarly, Malawi's Constitution also guarantees the right to the environment.⁴⁰ The provision of the Constitution reads:

The state will actively work to advance the welfare and development of Malawians by gradually enacting laws and policies that will accomplish the following objectives: a. managing environmental responsibilities to prevent environmental degradation; ii) provide a healthy living and working environment for Malawians; iii) fully recognise future generations' rights through environmental protection and sustainable resource development; and iv) conserve and enhance Malawi's biological diversity.⁴¹

The position of the law under the Pakistani Constitution is that no one in Pakistan may be deprived of their life or liberty unless it is necessary to comply with the law.⁴² In *Shehla Zia v. Water and Power Development Authority*,⁴³ the Supreme Court ruled that everything that a person born in a free society is lawfully and constitutionally entitled to enjoy with dignity is included in Article 9. The court additionally stated in this judgment that access to clean air, an unpolluted environment, food, clothing, shelter, healthcare, education, and other necessities ought to be guaranteed in order to uphold and safeguard human dignity and the right to life adequately.⁴⁴ In the case of *General Secretary West Pakistan Salt Miners Labour Union (CBA) Khewara, Jhelum v The Director, Industries and Mineral*

²⁶ Environmental Protection Act, 1974.

²⁷ See Producer Responsibility Obligations (Packaging Waste) (Amendment) Regulations, 2010.

²⁸ Environmental Protection Act 1990.

²⁹ Environmental harm (Prevention and Remediation) (England) Regulation 2015

³⁰ Environment Act, 1995.

³¹ Constitution of the Federal Democratic Republic of Ethiopia (FDRE), Fundamental Rights and Freedoms.

³² *Ibid*, Article 92.

³³ *Ibid*, Article 44 (1).

³⁴ *Ibid*, Article 44.

³⁵ *Ibid*, Article 92 (3) and (4).

³⁶ Proclamation No. 300/2002 of Ethiopia.

³⁷ *ibid*

³⁸ Constitution of Uganda, Article 39

³⁹ Article 245, Uganda Constitution, *Op. Cit.*

⁴⁰ Section 13, Malawi Constitution.

⁴¹ C A Omaka, "Imperativeness of Insertion of Environmental Rights as a Fundamental right in the Constitution of the Federal Republic of Nigeria, [2013], 1 *ESUJ*, p. 158

⁴² See Art. 9 of the Pakistan Constitution.

⁴³ (PLD) 1994 SC 693

⁴⁴ *ibid*

Development,⁴⁵ the court upheld the petitioner's argument that contaminated water poses a serious threat to human existence and the public's right to life. This further clarifies Article 9. The aforementioned cases demonstrate that the courts have the ability to interpret the rights to life and to a pollution-free environment and hold that these rights have become recognised norms that depend on each other. The Spanish Constitution states: 'Everyone has the duty to preserve the environment and the right to enjoy one that is conducive to their own development.'⁴⁶ A comparable provision can also be found in the 1978 constitution of Peru, which declares that everyone has the right to live in a healthy environment that is ecologically balanced, sufficient for the advancement of life, and preserves the natural world and the countryside.⁴⁷ According to the Ghanaian Constitution,⁴⁸ the State of Ghana is required by Article 36(a)⁴⁹ to take the necessary steps to preserve the natural environment for future generations and to work with other states and organisations to maintain the larger global environment for all people.⁵⁰ Furthermore, every Ghanaian citizen is required to protect and preserve the environment,⁵¹ and Article 37(3)⁵² requires the state to follow international human rights standards when developing its policies. However, the Directive principles of state policy that give rise to the aforementioned articles are generally not thought to be justiciable under Ghanaian law.⁵³ This is comparable to the environmental objectives found in Chapter 2 of the 1999 Nigerian Constitution's Fundamental Objectives and Directive Principles of State Policy, which are thought to be non-justiciable.

3. Benchmarking Nigeria and Some other Jurisdictions

There is no significant emphasis contained in the Nigerian Constitution regarding the right to a healthy environment when compared to other jurisdictions' constitutional provisions and judicial decisions on the subject. Section 6(6)(c),⁵⁴ For instance, renders Chapter II⁵⁵, non-justiciable. Even if there was no such exclusion clause in 6(6)(c),⁵⁶ the said Chapter II⁵⁷ does not contain explicit provisions for the right to a healthy environment, from which the rights against environmental harm could be deduced and asserted. The right to life is guaranteed under Section 33,⁵⁸ and this provision may be given an interpretation that encompasses environmental rights. However, this right to a healthy environment is not specifically mentioned in Chapter IV,⁵⁹ which addresses fundamental human rights that all Nigerian citizens are entitled to. Furthermore, even though section 6(6)(c)⁶⁰ makes it unnecessary, section 20 of the constitution which outlines the state's obligation to protect the environment in Nigeria, does not include the citizens' obligations to do the same. Instead, section 20⁶¹ and other pertinent sections become enforceable in Nigeria upon Nigeria's ratification of the ACHPR of 1981.⁶² Notable are the rulings in two cases by the Nigerian judiciary. First is the case of *Jonah Gbembre v. SPDC Nigeria*,⁶³ where it was held that the right to a healthy environment is concomitant with the right to life. Furthermore, the evidence presented before the Court showed that the Environmental Impact Assessment in the applicants' community shows a violation of the applicants' rights.⁶⁴ Also, in *Social and Economic Rights Action Centre for Economic and Social Rights (SERAC) v. Nigeria*,⁶⁵ it was determined that the Nigerian government had violated the Ogoni People of Nigeria's right to a healthy environment, which was held to be founded on the right to life under section 33 of the constitution. Nonetheless, the constitutions of some other jurisdictions contain express and not implied protection of environmental rights. Examples are the Ugandan Constitution,⁶⁶ Malawi Constitution,⁶⁷ the Pakistan Constitution,⁶⁸ and the Spanish Constitution,⁶⁹ Peru's Constitution,⁷⁰ and the South African Bill of Rights.⁷¹ The provisions of the Constitutions highlighted above are expressly and not implicitly provisions for the right to a healthy environment, in contrast to the provisions of the Nigerian Constitution as analysed above. Going by the express provisions of section 6(6)(c),⁷² the direct enforceability of the fundamental objectives and Directives Principles of state policy (DPSP) under Chapter II⁷³ is made impossible in Nigeria. While the chapter II⁷⁴ tends to be similar to the Ethiopian Constitution,⁷⁵ which provides for the protection of the environment and measures by the State to protect the environment by promoting a clean and healthy environment; the Ethiopian Constitution enjoys enforceability. In two different cases,⁷⁶ the Supreme Court of Ghana has established that the DPSP are enforceable in the State. The position of the Court is notwithstanding the fact that Art. 41(k)⁷⁷

⁴⁵ (1994) SCMR 2061

⁴⁶ Spanish Constitution, 1978, Art. 45, para 1 and 2

⁴⁷ Peru Constitution, 1978, Art 123

⁴⁸ Ghana Constitution, 1992.

⁴⁹ *ibid*

⁵⁰ Article 36(a) Ghana Constitution, *Op. Cit.*

⁵¹ *Ibid*, Article 41(k)

⁵² *ibid*

⁵³ L. Atsegbua et al, *Op cit*, p.206

⁵⁴ 1999 Constitution of the Federal Republic of Nigeria (As Amended).

⁵⁵, which lists environmental objectives as one of the fundamental objectives of the Directive Principles of State Policy

⁵⁶ *ibid*

⁵⁷ 1999 Constitution of Nigeria, *Op. Cit.*

⁵⁸ *Ibid*; see particularly Chapter IV of the Constitution.

⁵⁹ *ibid*

⁶⁰ *ibid*

⁶¹ *ibid*

⁶² Nigeria has ratified the provisions of the ACHPR, thus making it enforceable.

⁶³ (2005) 6 AHRLR 152.

⁶⁴ *ibid*

⁶⁵ (2001) 60 (ACHPR)

⁶⁶ Article 245 Uganda Constitution, *Op. Cit.*

⁶⁷ Section 13 Malawi Constitution, *Op. Cit.*

⁶⁸ Article 9 Pakistan Constitution, *Op. Cit.*

⁶⁹ Article 45, paragraphs 1 and 2 Spain Constitution, *Op. Cit.*

⁷⁰ Article 123 Peruvian Constitution

⁷¹ Section 32 South African Bill of Rights.

⁷² 1999 Nigeria Constitution, *Op. Cit.*

⁷³ *Ibid*.

⁷⁴ *Ibid*.

⁷⁵ See Articles 44 and 92, Ethiopia Constitution.

⁷⁶ *New Patriotic Party v. Attorney General* (1997) G L.R. 729; *New Patriotic Party v. Inspector General of Police* (1994) 2 GLR 459

⁷⁷ Ghana Constitution, *Op. Cit.*

and Art. 37(3),⁷⁸ which are found under the DPSP, are not justiciable in Ghana as they are considered to be of similar status like the Chapter II⁷⁹ of the Constitution of Nigeria. This is a notable difference from what is possible or obtainable in Nigeria. The Nigerian Court's application of the ACHPR is the sole thing that grants its residents environmental rights in Nigeria, which include, among other things, the rights to life and health. In contrast to Section 20,⁸⁰ which merely authorises the State to preserve and protect the environment, Articles 48A and 51 A (g),⁸¹ makes environmental protection a fundamental duty of every legal person as well as the state. The aforesaid articles, as applicable in India, are comprehensive as it mandates all, including the citizens and the State, to take part in environmental protection.⁸² The idea and legal interpretation observed in Nigeria courts on the right to life encompassing and relating to the right to an environment that is healthy, is considered as a point of similarity when Nigeria is compared or benchmarked with other jurisdictions. Nevertheless, the Nigerian judiciary can only make such decisions concerning environmental rights mainly by relying on the provisions of the African Charter, specifically Article 24.

4. Conclusion

Reducing, controlling, and eliminating current environmental damage causes, preventing new forms of damage, and preserving and wisely using the environment are all commonly included in environmental protection.⁸³ It can be challenging to accomplish these goals in a relatively industrialised state, especially when the development of economic resources is involved. In order to improve environmental protection, initiatives have been focused on promoting the incorporation of environmental rights into fundamental human rights. Nigeria appears to be among the nations that are struggling to strike the right balance between the development of economic resources for development and environmental protection, so the significance of this discourse is to establish a stronger legal framework that will attempt to change the current environmental protection outcome in Nigeria.⁸⁴ From the discourse, though the right to life is guaranteed under Section 33 of Chapter IV,⁸⁵ which may be interpreted to include the right to a healthy environment; the right to a healthy environment is not specifically mentioned in Chapter IV,⁸⁶ which addresses fundamental human rights. Practicably, the Nigerian Court's application of the ACHPR seems to be applicable avenue that enforces the protections of environmental rights in Nigeria, including other sundry rights like rights to life and health.

⁷⁸ *ibid*

⁷⁹ 1999 Nigeria Constitution, *Op. Cit.*

⁸⁰ *ibid*

⁸¹ Indian Constitution, *Op. Cit.*

⁸² *ibid*

⁸³ M Dixon & M. Robert, *Cases and Materials on International Law*, 2nd edn (1995), p. 521.

⁸⁴ A Ogumba, 'An Appraisal of the Evolution of Environmental Legislation in Nigeria' [2016] 40 *Vermont Law Review*, p. 673

⁸⁵ 1999 Constitution of the Federal Republic of Nigeria.

⁸⁶ *ibid*