Fountain University Law Journal Vol. 3 No. 5, 2026

PRINT ISSN: 0794-0254

ONLINE: E-ISSN: 0794-084X

THE HISTORICAL EMERGENCE AND EVOLUTION OF ENVIRONMENTAL LAW IN NIGERIA: A CRITICAL APPRAISAL

By

Ganiyu Yahaya, Ph.D*

Halimat Tope Akaje, Ph.D**

Zainab Yahaya***

&

Marvellous Oluwanifemi Adebayo****

Abstract

The development of environmental law in Nigeria has evolved from pre-colonial and colonial eras of conservationist policies to more comprehensive pieces of legislation (post-independence era) aimed at addressing environmental degradation that guarantee sustainable development. This paper traces the history, X-raying the emergence of environmental law in Nigeria through examining key milestones, statutory enactments, judicial interventions, and perspectives of legal luminaries/scholars in the field of environmental law. In addition, it underscores the challenges that hinder the enforcement of available legislation and policies, as well as the influence of international treaties on Nigeria's environmental legislation and policy structure. The study underscores robust legal frameworks and enforcement mechanisms as pivotal in protecting Nigeria's environment for future generations. It also evaluates the constitutional foundation of environmental governance in Nigeria, particularly the relevance of Chapter II of the 1999 Constitution and its justiciability debates. The paper critically assesses the role of regulatory bodies, compliance monitoring mechanisms, and community participation in environmental decision-making processes. Furthermore, it reflects on the persistent problems of weak institutional capacity, political interference, corruption, inadequate funding, and limited public awareness, which collectively undermine effective enforcement. The study situates Nigeria's environmental legal regime within broader global sustainability discourse and highlights the need for legislative reforms, strengthened judicial oversight, and improved synergy between domestic laws and international environmental obligations.

Keywords: *Environmental law, Nigeria, Sustainable development, Legal framework, and Enforcement.*

1.0 INTRODUCTION

*Federal University Oye-Ekiti, Ekiti State, Nigeria; ORCID: 0000-0002-8655-0171; Email: yahayaganiyu2012@gmail.com/ganiyu.yahaya@fuoye.edu.ng; Tel: +2348033612650.*Kwara State University, Malete, Kwara State, Nigeria; ORCID: 0009-0006-2641-5257; Email: akajehalimattope@gmail.com/halimat.akaje@kwasu.edu.ng; Tel: +2348062158623/+2348162477439.

**Kwara State University, Malete

*** University of Ilorin, Ilorin, Nigeria; ORCID: 0009-0001-0318-5608; Email:zyahaya43@gmail.com; Tel: +2349162682022.

****Federal University Oye-Ekiti, Ekiti State, Nigeria; ORCID: 0009-0008-1214-1480; Email: adebayonifemi033@gmail.com; Tel: +2347035187723.

The environmental, a source of sustenance upon which humans depend for food, fuel, medicines and other materials needed.[1] The need for environmental protection is not new in Nigeria; even prior to the colonial era, various environmental protection practices were in place, held as value. This aligned with the universal environmental theories and practices. Environmental law in Nigeria began with embryonic and primitive policies established during the colonial era, primarily aimed at protecting natural resources for economic exploitation. These policies after the colonial era transitioned into more comprehensive legislation in response to industrialization and other environmental challenges. For illustration, the Petroleum Act of 1969 was one of the first major post-independence statutory interventions, emphasizing regulatory oversight over oil exploration and exploitation, which significantly affects the environment in Nigeria. In addition, Nigerian courts have also played a pivotal role in shaping environmental jurisprudence in the popular case of *Gbemre v. Shell Petroleum Development Company of Nigeria Ltd*[2], where the Federal High Court declared that gas flaring violated the fundamental rights to life and dignity as guaranteed under Sections 33 and 34 of the Constitution. Similarly, the court's decision in the case underscored the constitutional obligation to protect environmental rights and marked a critical judicial contribution to environmental law in Nigeria. Recently, in *Centre for Oil Pollution Watch v. NNPC*[3], the Supreme Court reaffirmed the accountability of corporate entities for environmental degradation with unequivocal emphasis on the duty of corporations to comply with available statutory environmental laws, principles, and policy guidelines, which set a precedent for environmental accountability in Nigeria's oil and gas sector. Scholars have extensively analyzed the trajectory of environmental law in Nigeria.

Furthermore, while Nigeria has enacted a plethora of environmental laws in addition to the premature ones left by her colonists, enforcement remains a momentous challenge due to institutional weaknesses and corruption.[4] In addition, it is pertinent to note that Nigeria accommodates the influence of international environmental treaties, such as the Kyoto Protocol and the Paris Agreement, on shaping Nigeria's domestic environmental policies.[5] Alignment with these treaties underscores Nigeria's commitment to global environmental governance while highlighting the interplay between international obligations and national implementation.

Going by history, the emergence of environmental law in Nigeria reflects the country's response to its increasing challenges posed by environmental degradation, such as climate change, oil spillage, deforestation, and the likes, and the need to navigate development with sustainability. In sum, from the pre-colonial and colonial era to the present, environmental law in Nigeria has evolved through various key legal instruments, judicial pronouncements, and policy frameworks aimed at addressing the growing concerns of environmental degradation. It is on this premise that this paper seeks to explore the historical emergence of environmental law in Nigeria, focusing on its milestones. It begins by tracing its evolution, examining judicial contributions, exploring enforcement challenges, and evaluating the influence of international environmental frameworks, in a bid to offer recommendations for strengthening environmental law in Nigeria.

---

[1] AO Kehinde and others, 'Plastic Pollution in Nigeria: The Need for Legislation to Tackle the Menace' [2023] (15)(1) *Krytyka Prawa. Niezależne Studia nad Prawem* 134, 141 https://doi.org/10.7206/kp.2080-1084.575

[2] (2005)FHC/B/CS/53/05; (2005) AHRLR 151 (NgHC 2005).

[3] (2021) 15 NWLR (Pt. 1799) 329 (SC)

[4] O Fagbohun, *The Law of Environmental Protection: A Comparative Analysis* (University of Lagos Press 2010).

[5] A Oyebode, *International Law and Environmental Governance* (Spectrum Books 2013).

2.0 METHODOLOGY

This study employs both the doctrinal and historical legal research methods to analyze the development of environmental law in Nigeria. The doctrinal method encapsulates analysis of the key legal instruments, such as the Minerals Ordinance of 1914, the Public Health Ordinance of 1917, the FEPA Act of 1988, the Constitution (1979 & 1999), the Climate Change Act of 2015, et cetera, as well as textbooks, articles in journals, periodicals, and legal reports. The historical legal research method, on the other hand, resonates these laws within their socio-political and economic contexts of time, showing how colonialism and global environmental trends shaped Nigeria's legal responses to environmental issues.

3.0 HISTORY AND EVOLUTION

The emergence of environmental law in Nigeria has historical momentousness, spanning the pre-colonial, colonial, and post-independence eras and encapsulating the current environmental legislation of the day.

3.1 Pre-Colonial: A Traditional Ecological Safeguard

The pre-colonial era in Nigeria is categorized as pre-19th century, while the colonial era falls within the 19th-20th century. These eras ran through the period of the Oyo Empire, Benin Kingdom, and Sokoto Caliphate, and all that as a system of government, to the modern era, which began with the British annexation of Lagos in 1861, leading to the formal establishment of colonial rule in 1900 and the eventual amalgamation of Nigeria in 1914.[6] It continued until Nigeria gained independence in 1960. During these eras, environmental management theories and practices in Nigeria include, the traditional environmental management theories and practice, indigenous environmental practice, cultural and spiritual practices.[7] The pre-colonial and colonial eras' link to environmental law development in Nigeria include:

a. Traditional Environmental Management Theories and Practices (TEMTP)

TEMTP focuses on the application of traditional ecological knowledge (TEK), knowledge that allows a community to understand their environment for biodiversity conservation and sustainable resource management.[8] TEMPT in Nigeria during the pre-colonial and colonial eras was deeply rooted in the cultural beliefs and practices of communal ownership of land, sacred groves, taboos and prohibitions, and a cyclical worldview.[9] The TEMPT includes:

i. Communal Ownership of Land

---

[6] T Oduwobi , 'From Conquest to Independence: The Nigerian Colonial Experience' (2011) 25 *History of Africa Online (HAOL)* 19..

[7] CO Izugbara and JO Umoh, 'Indigenous Waste Management Practices among the Ngwa of South-Eastern Nigeria: Some Lessons and Policy Implications' (2004) 24 *Environmentalist* 87. https://doi.org/10.1007/s10669-004-4799-4

[8] BC Anwadike, 'Biodiversity Conservation in Nigeria: Perception, Challenges and Possible Remedies' (2020) 8 *Current Investigations in Agriculture and Current Research* https://doi.org/10.32474/CIACR.2020.08.000293; TK Nepal, 'The Role of Traditional Ecological Knowledge in Environmental Stewardship: Beyond Poverty and Necessity' (2024) 20 *Journal of Resources, Energy and Development 86.* https://doi.org/10.3233/RED-200203

[9] A Ossai, 'Traditional Religious Practices and Environmental Sustainability: Sacred Groves as Sanctuaries for Endangered Species in Igboland' in Religion, Ethics and Sociopolitical Dynamics: Perspectives on Contemporary African Challenges (2024) https://acjol.org/index.php/proceedings/article/view/5937 accessed 1 January 2026.

Under this theory, land was collectively owned and managed by communities, thereby promoting shared responsibility for environmental stewardship.[10]. Accordingly, these practices were aimed at ensuring the sustainable use of natural resources within the Nigerian environment and maintaining a harmonious relationship between humans and the environment. This practice has been Jealously safeguarding the protection of the environment, as communities' perception of collective responsibility over land makes members of the communities intolerant of any act that degrades the environment.

ii. Sacred Groves

In addition to the theory of communal ownership of land, another of the key prominent traditional environmental management practices in Nigeria during the precolonial era was the concept of sacred groves. According to Ossai, sacred groves in the traditional religious practices of Southeast Nigeria fosters environmental sustainability as they preserve biodiversity and maintaining natural habitats in the area.[11] Thus, certain areas of land were set aside and protected by communities for spiritual and cultural reasons (e.g., the Osun Osogbo Sacred Grove). At that time, they were considered sacred and believed to be inhabited by deities and ancestral spirits; hence, they were strictly protected from any form of exploitation or degradation of the areas. Sacred groves served as important biodiversity hotspots and played a crucial role in conserving rare and endangered plant and animal species.[12] For emphasis and in the view of this paper, these groves are still valid up till now for spiritual and cultural reasons, which in turn impact cleanliness and protection of the environment for sustainability.

iii. Taboos and Prohibitions

Another traditional environmental management theory and practice in Nigeria during the precolonial era was the use of taboos and prohibitions. By this theory, communities enforced taboos and prohibitions to regulate the use of natural resources and prevent overexploitation.[13] For example, certain species of animals or plants, by this practice, were considered taboo to hunt or harvest during specific periods of the year to keep their regeneration. Accordingly, violation of these taboos and prohibitions was believed to bring about spiritual consequences and thereby discourage unsustainable practices.[14] No doubt, this paper concurs that this theory and practice presumes the sustainable development principle.

iv. Cyclical Worldview

Many pre-colonial Nigerian cultures held a cyclical worldview, which recognized the interconnectedness of time, human, and natural systems.[15] The implications of which include

[10] NB Udoekanem and others, 'Land Ownership in Nigeria: Historical Development, Current Issues and Future Expectations' (2014) 4 Journal of Environment and Earth Science 182 https://www.iiste.org/Journals/index.php/JEES/article/view/17445 accessed 10 May 2026.
[11] Ossai, 'Traditional Religious Practices' (n 9).
[12] OJ Oyelowo and others, 'Traditional African Knowledge in Biodiversity Conservation' [2009] (6)(1) Journal of Agriculture, Forestry and the Social Sciences https://doi.org/10.4314/joafss.v6i1.48616
[13] Ibrahim OR 'Ecological Knowledge and Sustainable Planning in Nigeria: A Reflection on the Yorubas of South-Western Nigeria' (2017) 23 Human Geography Journal 45. https://doi.org/10.26565/2076-1333-2017-23-07
[14] Ibid.
[15] Fiveable 'Cyclical Time View – Intro to Comparative Literature' (1 August 2024). Available at: https://fiveable.me/key-terms/introduction-to-comparative-literature/cyclical-time-view. (Accessed 11 May 2026)

environmental sustainability, community-based decision-making, respect for human life, respect for tradition, and all that. Under this theory, time is not seen as linear but rather as cyclical. Thus, events and experiences are not isolated but rather are connected to past and future events. During this period, Nigeria, in addition to other theories and practices discussed earlier, included community-based conservation initiatives where communities would come together to establish rules and regulations for the sustainable management of common resources such as forests, rivers, and farmlands. These rules and regulations were enforced through traditional governance frameworks and mechanisms, such as village councils and traditional leaders. By this theory, communities in Nigeria experienced collective management of their natural resources, communities that delivered, to a certain extent, their long-term sustainability and resilience.[16]

In the opinion of this paper, the relevance of these traditional environmental management theories and practices in the context of contemporary environmental challenges cannot be overemphasized. With the increasing threats of various agents of environmental degradation, there is a growing recognition of the need to incorporate indigenous knowledge and practices into the contemporary environmental management strategies and legal frameworks. For instance, the sacred groves, taboos and prohibitions, and community-based conservation initiatives can provide valuable insights for sustainable environment and biodiversity conservation in today's policy formulation.

b. Indigenous Environmental Practices

Indigenous environmental practices advocate the traditional methods developed in Nigeria to manage natural resources for sustainability prior to the current dispensation for environmental protection.[17]These practices were vitally critical for maintaining the environment and navigating it with sustainability. Accordingly, these practices include shifting cultivation, agroforestry, crop rotation, and traditional fishing methods. These practices highlight the invaluable role of indigenous communities in addressing environmental issues long before modern environmental science, law, and policy emerged. Thus:

i. Shifting Cultivation

This practice is also known as slash-and-burn agriculture. It is a traditional farming practice whereby farmers clear a portion of land for cultivation for a few years and then leave it fallow to allow regaining of fertility by the soil. This practice, which relies on the natural regenerative ability of the ecosystem, allows fallow periods to accumulate organic matter, replenishing soil nutrients and reducing the risk of erosion that degrades the environment. On this note, Netting (1993) opines that shifting cultivation practice was not only a farming strategy but also a way of life for many indigenous communities to circumvent soil erosion. Accordingly, the practice promoted sustainable land use, as it has been preventing overexploitation and ensuring that soil fertility was maintained. This paper aligns with Netting's position but opines that shifting cultivation has faced criticism for contributing to deforestation, which is another key player. contributing to the

[16] Ibid.
[17] WM Raheem and AI Bako, 'Indigenous Practices for Sustainable Development Planning' (2015) (17)(6) Journal of Sustainable Development in Africa 83 https://jsd-africa.com/Jsda/Vol17No6-Fall15B/PDF/Indigenous%20Knowledge%20for%20%20Sustainable%20Development%20Planning.Raheem%20Wasiu.pdf accessed 23 September 2026.

environmental degradations. Thus, farmers practiced shifting cultivation, allowing land to lie fallow and replenish its fertility.

ii. Agroforestry

The integration of trees and shrubs into agricultural landscapes was the indigenous environmental practice during the pre-colonial and colonial eras in Nigeria. This is to enhance biodiversity, improve soil quality, and provide ecosystem services, which encapsulates carbon sequestration and water retention. History has it that Indigenous Nigerian farmers practiced agroforestry by planting economically valuable trees, such as oil palms and fruit trees, alongside their crops. According to Kang and Akinnifesi, agroforestry systems provided food and income for rural communities while also contributing to environmental protection.[18] Trees, in agroforestry systems, have an impact in reducing soil erosion and therefore enriched the soil with organic matter and served as windbreaks. In addition, the practice supported biodiversity by creating habitats for various species, making it an effective tool for sustainable farming. Farmers integrated trees into their farming systems, promoting biodiversity conservation and ecosystem services.

iii. Crop Rotation

Crop rotation is an agricultural practice; it involves growing different types of crops in the same area in sequential seasons.[19] Accordingly, the essence is to improve soil fertility, manage pests and diseases, and enhance crop yield. Hence, during the pre-colonial and even colonial eras in Nigeria, crop rotation has been an indigenous practice among rural farmers, contributing to sustainable agriculture and food security. For example, legumes were frequently alternated with cereals to fix nitrogen in the soil and increase its fertility for future harvests.

Moreover, highlighting the significance of crop rotation In the indigenous environmental practice for sustainable agriculture in Nigeria, Okigbo emphasizes that it plays a key role in preventing monoculture-induced soil depletion and pest proliferation.[20] Accordingly, this practice was particularly effective in small-scale farming systems, where maintaining soil health was critical for food security. This paper aligns with this; by diversifying crops, farmers enhanced soil productivity, which in turn serves as protection for the environment, thereby reducing their dependence on chemical fertilizers and pesticides. In all, farmers rotated crops to maintain soil fertility and reduce pests and diseases in the environment.

iv. Traditional Fishing Practices

Fishing communities in Nigeria employed sustainable fishing methods, such as observing closed seasons and establishing protected areas, to conserve fish populations and maintain aquatic biodiversity.[21] This is in alignment with the contemporary principles of sustainability, that is

---

[18] BT Kang and FK Akinnifesi, 'Agroforestry as Alternative Land-Use Production Systems for the Tropics' (2000) 24 *Natural Resources Forum* 137. https://doi.org/10.1111/j.1477-8947.2000.tb00938.x accessed 11 January 2026.

[19] CO Igberi and others, 'Crop Rotation and Diversity Practices among Rural Farmers in Ebonyi State, Nigeria' (2022) 10 *Universal Journal of Agricultural Research* 610. https://doi.org/10.13189/ujar.2022.100602

[20] BN Okigbo, 'Cropping Systems and Rotations Development for Improving Shifting Cultivation and Related Intermittent Production Systems in Tropical Africa' in Improved Production Systems as an Alternative to Shifting Cultivation *FAO Soils Bulletin* No 53 (1984) 121.

[21] AG Kuta, 'Fisheries and Sustainable Livelihoods of Fishing Communities in Nigeria' (2010) 41 *World Aquaculture* 61. https://www.was.org/Magazine/2010/02/61/ accessed 23 September 2026

Principle 3 of Rio Declaration on environment and development, 1992. Thus, this practice allowed fish populations to reproduce, while protected areas guaranteed the preservation of critical habitats such as breeding grounds. To this end, Nababa and others. observes that traditional fishing practices were often governed by cultural norms and taboos (standing as a natural law that the populace abides by to protect the aquatic lives).[22] Accordingly, this played a vital role in regulating resource uses. In the opinion of this paper, these practices during this period demonstrated the ecological wisdom of indigenous communities, which advocated and prioritized the long-term sustainability of their resources over the immediate gains. For instance, specific waterways were designated as sacred, thereby preserving and protecting biodiversity through fishing activities.

c. Cultural and Spiritual Practices

Cultural and spiritual practices have played a pivotal role in the historical emergence of environmental law and environmental stewardship among indigenous communities in Nigeria prior to independence.[23] As a practice, these were deeply embedded in traditional belief systems and emphasized the interconnection of humans and the natural world ancestral worship, rituals, ceremonies, and oral traditions. With these practices, communities demonstrated a sense of responsibility and protection of their environment for future generations through:

i. Ancestral Worship

During this era, ancestral worship was perceived as a centre point of many Nigerian traditional belief systems whereby respect for ancestors often extended to natural spirits in a way that the environment was considered sacred and imbued with spiritual significance. The practice was characterized by the belief that natural features, including forests, rivers, and mountains, were housing spirits or deities, and their desecration was seen as an offence to both the spirits, the community, and the environment. According to Idowu, the ancestral worship acted as a form of environmental regulation because sacred groves and other natural sites were protected from being exploited due to the spiritual significance attached to them.[24] This is, for example, the reason the Osun-Osogbo Sacred Grove in Osun State, Nigeria, remains a UNESCO World Heritage Site and is being preserved due to its spiritual and cultural importance.[25] It is concurred that such practices ensured the conservation of biodiversity and the sustainability of natural resources because these areas were shielded from agricultural and industrial activities.

---

[22] AS Nababa and others, 'Prospects of Traditional Knowledge in Fisheries Management' in Nigerian Society for Animal Production (NSAP) 46th Annual Conference, Dutsin-Ma 2021: Book of Proceedings (2021) 1311. https://njap.org.ng/index.php/njap/article/download/6503/5108/10910 accessed 10 November 2025.

[23] EI Wahab, 'Exploring the Strength of Indigenous Culture in Promoting Environmental Sustainability' (2024) 5 *Journal of African Social Studies.* https://www.jass.org.ng/vol_5_1_jan_2024/exploring_the_strength_of_indigenous_culture_in_promoting_environmental_sustainability.pdf. accessed 10 November 2025.

[24] EB Idowu, *African Traditional Religion: A Definition* (SCM Press 1973).

[25] UNESCO World Heritage Centre, 'Osun-Osogbo Sacred Grove' (2005) https://whc.unesco.org/en/list/1118 accessed 12 May 2026.

ii. Rituals and Ceremonies

Traditional rituals and ceremonies often emphasized the importance of living in harmony with nature.[26] Ritual serves as not only cultural and spiritual expressions but a mechanism for biodiversity conservation. This tradition was well established to safeguard Nigerian biodiversity during this period.

iii. Storytelling and Oral Traditions

Environmental knowledge and values were passed down from generation to generation through storytelling and oral traditions.[27] According to Amali, Idoma folktales serve is invaluable tool for emotional growth, and cultural preservation, particularly in the 21st century.[28] The suggests integrating traditional storytelling into modern education to bridge generational gaps, including that of environmental.

On this end, it is observed that the cultural and spiritual practices were not only expressions of cultural identity but, in addition, effective mechanisms for environmental conservation. Thus, as the contemporary environmental challenges intensify, revisiting and integrating these traditional practices into the contemporary environmental governance could provide valuable insights into achieving environmental sustainability and resilience in Nigeria.

3.2 Colonial Era: A Foundation for Environmental Regulations

The advent of colonial administration in Nigeria informed the reception of the English Law through the Supreme Court Ordinance of 1876. The advent was extended into the Colony of Lagos by the English common law, doctrines of equity, and statutes of general application (SOGA) that were in force in England on the 1st day of January, 1900, and are in force in Nigeria, provided they are not inconsistent with any federal law or any law in force in Nigeria.[29] Thus, environmental concerns during this period were incidental to this legal transplantation because the invented colonial laws were primarily and purposely for economic-driven laws and exploitation of natural resources for imperial benefit only.[30]

Key legislation during this period reflected utilitarian orientation. The period was held in high esteem; the Public Health Ordinance of 1917 was enacted to address sanitation, housing, and public hygiene in Nigeria. Though, its application was selective and mainly designed to safeguard colonial officials and commercial hubs rather than the wider indigenous population.[31] To conserve

---

[26] SF Prasetyo, 'Harmony of Nature and Culture: Symbolism and Environmental Education in Ritual' (2023) 1 *Journal of Contemporary Rituals and Traditions* 6. https://doi.org/10.15575/jcrt.361

[27] S Edosomwan and C M Peterson, 'A History of Oral and Written Storytelling in Nigeria' (Paper presented at the Commission for International Adult Education, American Association for Adult and Continuing Education, 2016) https://files.eric.ed.gov/fulltext/ED581846.pdf accessed 11 June 2926..

[28] HI Amali, 'The Function of Folktales as a Process of Educating Children in the 21st Century: A Case Study of Idoma Folktales' in 21st Century Academic Forum Conference Proceedings IC21CE 21 (2014) 88 http://www.21caf.org/uploads/1/3/5/2/13527682/amali.pdf accessed 12 May 2026.

[29] Interpretation Act, Cap I23 LFN, 2004, s. 32(1); J O Asein, *Introduction to Nigerian Legal System* (2nd edn, Ababa Press 2005)..

[30] A Ogunba, 'An Appraisal of the Evolution of Environmental Law in Nigeria' (2016) 40 *Vermont Law Review* 673. https://lawreview.vermontlaw.edu/wp-content/uploads/2016/07/40VtLRev673-Ogunba.pdf accessed 10 June 2026.

[31] A Alade, *A Mission to Sanitize: Public Health, Colonial Authority, and African Agency in Western Nigeria, 1900–1945* (PhD dissertation, McMaster University 2022) http://hdl.handle.net/11375/27588 accessed 09 May 2026.

natural resources, the Forestry Ordinance of 1937 institutionalized the reservation and regulation of forest reserves. It introduced early conservation mechanisms, which were essentially to secure timber supplies for the colonial economy rather than promoting sustainability.[32] Moving forward, the Minerals Oil Ordinance of 1914 marked the beginning of structured regulation of mining and oil exploration in Nigeria. While the Ordinance created a framework for granting concessions and royalties, it also offered little or no protection against environmental degradation that informed extractive activities.[33] Other colonial enactments, including the Mining Ordinance of 1945, reinforced this extractive approach, prioritizing economic returns to the Crown with minimal regard to ecological consequences on Nigeria.[34]

On the whole, colonial environmental regulation in Nigeria was essentially fragmented, extractive, and utilitarian, subordinating the environmental integrity of Nigeria to the imperial economic interests of the colony.

3.3 Post-Independence Era and Development

Sequel to the independence in 1960, Nigeria inherited a fragmented colonial legal system that was inadequately, or rather, poorly equipped to address the complexities of contemporary environmental challenges, especially the climate change issue. For so much of the 1960s and 1970s, environmental issues remained largely neglected, overshadowed by the drive for economic growth through oil exploitation and political instability.[35]

The turning point came during the oil boom of the 1970s, when concerns for economic growth informed the need for environmental protection. However, it made environment protection a thing of interest to the government. Perhaps the environmental concerns during this period coincided with severe environmental degradation in the Niger Delta. During this period, oil spills, gas flaring, and habitat destruction became rampant, thereby drawing attention to the inadequacy of existing laws. However, the government's initial response was reactive, often framed under general criminal, tort, or public health laws to quench the challenges with immediacy.[36]

A major milestone was the Koko toxic waste dump incident of 1988, where Italian companies illegally shipped hazardous waste to Nigeria. This crisis entrenched the Harmful Wastes (Special Criminal Provisions) Decree No. 42 of 1988. In addition, the Federal Environmental Protection Agency Decree No. 58 of 1988 spurred the creation of the Federal Environmental Protection Agency (FEPA), marking Nigeria's first institutionalized environmental agency to complement

---

[32] GJ Osemeobo, 'Forestry Policy in Nigeria: Evolution and Implementation' (1988) 15 *Environmental Conservation* 31. https://doi.org/10.1017/S0376892900028537; Colony and Protectorate of Nigeria, Annual Report of the Colonies, Nigeria, 1937 (Including No 38 of 1937: Forestry Ordinance) (His Majesty's Stationery Office 1938) https://libsysdigi.library.illinois.edu/ilharvest/Africana/Books2011-05/3064634/3064634_1937/3064634_1937_opt.pdf accessed 11 May 2026.

[33] Ogunba 'An Appraisal of the Evolution of Environmental Law in Nigeria' (n 30).

[34] United Kingdom House of Commons, 'Nigeria (Mining Ordinance)' HC Deb 28 February 1945, vol 408 (Written Answers) https://hansard.parliament.uk/commons/1945-02-28/debates/d1d6fbdf-0043-40c7-afab-b7acfc5449ea/Nigeria(MiningOrdinance accessed 12 June 2026.

[35] [35] Ogunba 'An Appraisal of the Evolution of Environmental Law in Nigeria' (n 30).

[36] EO Ekhator, 'Improving Access to Environmental Justice under the African Charter on Human and Peoples' Rights: The Roles of NGOs in Nigeria' (2014) 22 *African Journal of International and Comparative Law* 63. https://doi.org/10.3366/ajicl.2014.0088.

Decree No. 42 of 1988.[37] The FEPA Act (1988) established regulatory standards for environmental safeguards as well as pollution control. While the FEPA was later superseded by the National Environmental Standards and Regulations Enforcement Agency (NESREA) in 2007[38], the FEPA Act (1988) Act was a landmark piece of legislation of and for its time, as it introduced environmental impact assessments (EIAs) coupled with the establishment of mechanisms for enforcing environmental regulations in the country. Although, enforcement capacity during this time is limited.[39]

The year 1992 recorded the enactment of one of the key pieces of environmental legislation in Nigeria, the Environmental Impact Assessment (EIA) Act[40]. EIA introduced mandatory impact assessment for projects with potential environmental effects, the violation of which attracts sanctions.[41] The legislative advancement continued by sector-specific agencies and regulations, including the National Oil Spill Detection and Response Agency (NOSDRA) Act of 2006[42] and the enactment of the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act of 2007. The Act replaced the Federal Environmental Protection Agency (FEPA) Act.[43] It is pertinent to underscore that the Constitution of the Federal Republic of Nigeria, 1999 (as amended), also plays invaluable roles in guaranteeing environmental governance and protection in Nigeria. The roles are enshrined under Chapter II, which contains Fundamental Objectives and Direct Principles of State Policy (FODPSP), particularly Section 20 therein, which mandates that the state shall protect, improve, and safeguard the environment (water, air, land, forest, and wildlife) of Nigeria. It is pertinent to note that independent and post-independent Constitution in 1960 and 1963, respectively, the 1979 Constitution did not contain any provision for environmental protection. The 1989 Constitution expressed Section 20, which was retained verbatim under the 1999 Constitution but not operationalized due to the political instability experienced during the period. Summarily, the historical emergence of environmental law under the Nigerian Constitution demonstrates a gradual constitutional evolution, that is, from total absence to implied concern and finally to explicit recognition of environmental protection as a state obligation. However, it is the hope of this paper that future amendments to the Constitution or an outright new Constitution would elevate environmental protection to the status of enforceable fundamental rights in Nigeria.

In addition to the historical emergence of environmental law, judicial activism began to shape environmental governance during this period. In *Gbemre v. Shell Petroleum Development Company* (2005), the Federal High Court asserted that gas flaring by the Shell Petroleum Company violated the constitutional rights to life and dignity under Sections 33 and 34 of the Nigerian Constitution. The Court, in this case, linked environmental protection with fundamental human

[37] A Adekunle, 'The Federal Environmental Protection Agency Decree 1988, Decree No. 58' (1992) 36 *Journal of African Law* 100. http://www.jstor.org/stable/745463 accessed 14 June 2026; E Emeseh, 'The African Regional Human Rights System: Public Participation in Environmental Governance' in E Morgera (ed), *Environmental Democracy and Law* (Cambridge University Press 2009) 145.
[38] National Environmental Standard and Regulation Enforcement Agency (Establishment) Act (Act No 25 of 2007.
[39] JI Mantu, 'NESREA and the Challenge of Enforcing the Provisions of Environmental Impact Assessment Act in Nigeria' (25 June 2019) SSRN https://doi.org/10.2139/ssrn.3410104
[40] Environmental Impact Assessment Act, Cap. E12 LFN 2004
[41] Mantu (n39); See also ss 2 & 60, Environmental Impact Assessment Act, Cap. E12 LFN 2004.
[42] National Oil Spill Detention and Response Agency (established) Act, CAP N157, LFN 2006,
[43] Ekhator (n 36).

rights. This landmark case underscored the judiciary's potential role in strengthening environmental rights despite legislative gaps.[44]

Furthermore, there are international influences on Nigeria. Nigeria ratified several international environmental treaties, including the Basel Convention (1989), Kyoto Protocol (1997), and Paris Agreement (2015).[45] According to Ekhator, the treaties influence Nigeria's domestic environmental policy.[46] The National Climate Change Act of 2021 further consolidated Nigeria's climate governance and framework in alignment with the Paris Agreement of 2015, creating legal mechanics and strategies for mitigation and adaptation purposes (including a need to key into Net-Zero).

4.0 CHALLENGES

It is, with no doubt, that the advancement of environmental law, policy, and practice in Nigeria faces momentous challenges rooted in institutional, cultural, and human capacity weaknesses.[47] Accordingly, a major issue is the lack of coherence among existing environmental legal frameworks (laws, policies, and practices) resulting in overlapping mandates, regulatory conflicts, and ineffective enforcement. Legal fragmentation also hampers coordinated policy implementation that undermines environmental governance in Nigeria. Moving forward, the erosion of TEK, which was once central to community-based environmental management, has diminished sustainable indigenous practices and local participation on the journey.[48] Moreover, the meeting of Nigerian environmental institutions and frameworks with the world trend has been hampered by a shortfall of well-trained personnel and technical experts in environmental management, law enforcement, and policy formulation.[49] Hence, this human resource gap limits the effective monitoring, evaluation, and execution of environmental standards in the journey. Consequently, the environmental statutes and policies remain proliferating, as Nigeria continues to struggle with deforestation, pollution, and unsustainable resource exploitation, highlighting the urgent need for harmonized legal frameworks and capacity development to align with the world's environmental sustainability. Other challenges to the journey include corruption, lack of political will, etc.

5.0 A CRITICAL APPRAISAL

From the historical trajectory of the emergence of environmental law in Nigeria, it is clear that Nigeria's environmental law has developed in a reactive, fragmented, crisis-driven, and influence-driven manner rather than through a deliberate and long-term strategy for environmental protection

---

[44] KSA Ebeku, 'The Right to a Satisfactory Environment and the African Commission' [2006] (6) *African Human Rights Law Journal*149. https://doi.org/10.10520/EJC28564

[45] C Ekpenisi, CE Ekpe and AS Abiola, 'Digital Justice and the UNCITRAL ODR Framework: Normative Foundations, Institutional Limits, and Future Directions' (2026) 3(5) *Fountain University Law Journal* 303–326.

[46] Ekhator (n 36).

[47] G Yahaya, 'An Appraisal of Legal and Policy Framework on Conservation of Biodiversity in Nigeria: Challenges and Way Forward' [2024] (1)(1) *LexScriptio: A Journal of the Department of Jurisprudence and Public Law*, 63 https://journals.kwasu.edu.ng/index.php/lexscriptio/article/view/131 accessed 15 June 2026.

[48] Anwadike BC 'Biodiversity Conservation in Nigeria: Perception, Challenges and Possible Remedies' (2020) 8 Current Investigations in Agriculture and Current Research. https://doi.org/10.32474/CIACR.2020.08.000293

[49] Yahaya (n 46); Anwadike (n 47).

and sustainability. The pre-colonial era reflected customary ecological practices,[50] all encompassed TEK and rooted in communal values and taboos, which promoted sustainability; however, it lacked formal codification despite its benefits for the sustainability of resources.[51] There is no doubt that colonialism disrupted these traditional environmental management theories and practices, which comprise indigenous systems, by subordinating environmental governance to imperial economic interests. The subordination was being carried out through extractive legislation like the Minerals Oil Ordinance of 1914 and the Forestry Ordinance of 1937.[52]

Secondly, the post-independence era gained recognition in history primarily after high-profile crises in the country. For illustration, the Koko incident of 1988, known for the toxic waste dump, exposed Nigeria's vulnerability to transboundary waste pollution. Following the incident, the Federal Government acted spontaneously by promulgating the Harmful Wastes (Special Criminal Provisions) Decree No. 42 of 1988, which catalyzed the emergency creation of the Federal Environmental Protection Agency (FEPA) as the country's first specialized environmental agency.[53] Subsequent institutional frameworks, including the NESREA and NOSDRA of 2007 and 2006, respectively, expanded regulatory capacity, while the EIA Act of 1992 is noted for its preventive environmental assessment mechanisms.[54]

Moving forward, the provision for fundamental objectives and direct principles of state policy enshrined in Chapter II of the 1999 Constitution (as amended), especially Section 20 therein, is also a core in the development of environmental protection in Nigeria during the post-colonial era. Albeit, the enforcement faces the challenge of non-justiciability by virtue of Section 6(6)(c) of the Constitution. However, judicial interventions have increasingly recognized the environmental dimension of fundamental rights. Therefore, in *Gbemre v. Shell (2005)*, gas flaring was held to contravene the constitutional rights to life and dignity (provisions under Sections 33 and 34 of the Constitution, respectively), signalling a judicial willingness in the quest for aligning environmental protection with human rights jurisprudence.[55] During this period, Nigeria has been busy with either domesticating or aligning with international instruments, such as the Basel Convention (1989) and the Paris Agreement (2015), reflecting growing global domestic linkages rather than contextually entrenching a law fitted for a situation.[56]

However, the workability of environmental laws and policies in Nigeria today, despite advances in the journey so far towards sustainability of resources, conservation of biodiversity, afforestation, etc., is surrounded by a number of challenges. Such challenges include weak enforcement of environmental laws and policies, corruption, political interference, institutional responsibilities overlap, inadequate institutional capacity, inadequate public awareness, and participation, and

[50] AS Abiola, KO Olaniyan, AA Raji and ZO Shittu-Adenuga, 'Role of Traditional Institutions in Nigeria's Democratic Space: Contending Perspectives, Issues and Potentials' (2023) 1(1) *FUOYE Journal of Sociology* 445–459; ZO Shittu-Adenuga and AS Abiola, 'Equalizing the Legal Status of Customary and Statutory Marriages in Nigeria: Lessons from Kenya and South Africa' (2024) 15(1) *Law and Policy Review* 13–34.
[51] T Okonkwo, 'Indigenous Knowledge Systems and Environmental Management in Nigeria' [2014] 8 *African Research Review* 154. https://doi.org/10.4314/afrrev.v8i1.13
[52] Ogunba (n 30); Osemeobo (n 32).
[53] Emeseh (n 37).
[54] Ekhator (n 36).
[55] Ebeku (n 44).
[56] Ekhator (n 36).

inadequacy in the environmentalism culture.[57] Albeit, in recent times, initiatives through the National Climate Change Act of 2021 and the Ogoni land clean-up project under the Hydrocarbon Pollution Remediation Project (HYPREP) have demonstrated renewed commitment on the side of government; however, progress has been slow and uneven.[58]

On the whole, tracing the trajectory of progress accrued to environmental law in Nigeria to its historical emergence illustrates a hybrid environmental governance model: one shaped by indigenous traditions, colonial legacies, international obligations and influence, and domestic crises.[59] This, the journey so far, reflects both resilience and more of the persistent gaps in translating legal frameworks into effective environmental protection and sustainability. The journey could be smoother if the traditional ecology knowledge were given consideration while setting up environmental policies and legislation.

6. CONCLUSION/RECOMMENDATIONS

In conclusion, traditional environmental management theory and practices in Nigeria during the precolonial era were characterized by a deep respect for nature and a strong sense of stewardship towards the environment through the adoption of TEK. These practices were well entrenched and effectively promoting the sustainable use of natural resources as well as maintaining ecological balance. Moving forward, a historical understanding of environmental law in Nigeria also reveals that while the pre-colonial era relied on TEK for sustainable resource management, the colonial era introduced a fragmented, utilitarian legal regime that, by the colonial interests, prioritized economic exploitation over environmental protection and conservation of biodiversity. Post-independence reforms, which stand for the emergence of modern regulatory institutions such as FEPA (1988) and NESREA (2007), have sought to correct these imbalances, but enforcement gaps and weak institutional capacity have persistently remained intractable issues. Ultimately, by blending the indigenous wisdom and TEK with modern regulatory tools, Nigeria can move on to achieve a more holistic and sustainable environmental legal regime that addresses both historical deficiencies and present-day environmental challenges. Against this background, this paper recommends that:

i. Nigeria’s contemporary environmental governance framework should integrate traditional ecological knowledge (TEK) into statutory law.

ii. Institutional enforcement mechanisms should be strengthened to meet global standards and to adequately tackle contemporary environmental issues.

iii. Greater community participation in decision-making should be recognized, especially in the area of environmental impact assessment, to ensure adequate safety and sustainability within Nigeria's environment.

---

[57] Yahaya (n 46).

[58] Nwapi C 'A Legislative Framework for Regulating Climate Change in Nigeria: Lessons from South Africa' (2016) 60 Journal of African Law 343. https://doi.org/10.1017/S0021855316000122.

[59] AS Abiola, ‘The Role of the Judiciary in Fostering National Unity in Democratic Nigeria: Challenges, Strategies and Reforms’ (2024) 2(8) *AAUA-JDJIL* 114–129.

iv. Nigeria should key into environmentalism culture, as this will go a long way to curb environmental challenges, such as corruption.