

LEGAL EXEGESIS OF CLIMATE CHANGE AS A THREAT TO THE ENJOYMENT OF RIGHT TO LIFE IN NIGERIA

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Abstract: *Climate Change (CC) is a change in the regular weather condition attributable directly/indirectly to human activities or natural variability that alters the composition of the global atmosphere over a comparable period of time, has a direct consequence on the environment and nature of life enjoyed therefrom. CC poses a momentous threat to the enjoyment of the right to life in Nigeria, aggravating existing environmental, social, and economic vulnerabilities precipitating increased temperatures, flooding, disrupt human health and security. This paper adopts doctrinal method in examining the laws on environmental protection, climate change control and the impact of climate change on right to life in Nigeria. The paper found that climate change causes and exacerbates mortality rates due to climate-related disasters, disproportionate impacts on vulnerable population, climate-related displacement, and heat-related illnesses on human well-being which negatively affect right to life. It emphasises the need for climate-resilient infrastructure, early warning systems, and community-led adaptation initiatives as safety measure against climate change reactions. The paper recommends urgent policy actions set-up/review to mitigate climate change effects, protect human rights through the instrumentality of the Fundamental Rights (Enforcement Procedure) Rules, 2009 in seeking environmental justice for victims of environmental degradation occasioned by climate change aimed at ensuring sustainable development in Nigeria.*

Keywords: *Climate Change, Human rights, Right to life, Environmental degradation, Environmental justice*

1. INTRODUCTION

Climate Change is a change in the average weather condition which is attributed directly or indirectly to human activities or natural variability that alters the composition of the global atmosphere and natural variability over a comparable period of time, has a direct consequence on the environment and nature of life enjoyed therefrom (Constitution of the Federal Republic of Nigeria, 1999). The quality of life of a people on the other hand, is often impacted by the nature of their atmosphere and as such, there has been a great clamour by environmental protection activists that it should be incorporated to the rights to life and property (Babalola, 2019). Climate change constitutes a major threat in today's world, not just to the environment, but also to social conditions and human lives (Addaney, Boshoff, and Olutola,

2017). It is thus, beyond being an environmental problem, it extends to the challenge of protection of human rights especially the right to life.

It is no longer in doubt that the effects of climate change include change in weather patterns (droughts and rainy spells), rising sea levels, destruction of the flora and fauna, occurrences of vector borne diseases, etc., which also results in migration, displacement, water shortage, food insecurity and risk of illnesses and negative impacts on lives and properties of people (Humphreys, 2011). Essentially, the interdependency of man with or within his/her environment is fundamental to continuous existence. It is the reckless and eco-systemic threatening activities of man that necessitated the need to enact laws to mitigate the extent of the ongoing environmental degradation which in turn, lead ultimately to atmospheric changes that are detrimental to human well-being (Adelagan, 2004). Environment degrading human activities such as oil spillage, deforestation, associated soil erosion, ozone layer depletion, desertification, acid deposition, global warming and oil pollution amongst others, have not only threatened the ecosystem but equally poses serious concerns to the enjoyment of the right to life which is contingent on clean and safe environment as was held in *Juliana v United States (Climate Kids Case)* (2016).

Thus, the perceived and actual dangers posed by climate change to the general well-being of human health, informed certain legal actions across the world which has, overtime, given broader interpretation to the right to life vis-à-vis how the condition of the environment impacts on it. For instance, in the case of *Juliana v United States (Climate Kids Case)* (2016) where the Plaintiffs sued the United States Government and various agencies over their policies on fossil fuels. The plaintiffs claimed the United States policies on fossil fuels enabled catastrophic climate change and therefore infringed upon their constitutional rights to life, liberty and property as guaranteed under the Fifth Amendment to the United States Constitution. Though the action was dismissed, it has largely affected the trajectory of climate change related litigations till date. Hence, a different outcome was achieved in *Navahine v Hawaii Department of Transportation* (2024) where yet another group of young people alleged that, the US State of Hawaii had violated their constitutional right to a clean and healthful environment by implementing transportation policies and infrastructure which use fossil fuels and cause pollution emissions. In a historic settlement of the climate dispute, the Hawaiian department of transport agreed to decarbonise its transport sector with a goal of reaching zero emissions by 2045. Also, in *Neubauer, et al v. Germany* (2021) a group of German youths challenged Germany's Federal Climate Protection Act, 2019 in the Federal Constitutional Court, where they claimed that the emission reduction targets contained in the law were insufficient. Their claims mainly arose out of alleged violations of the fundamental right to a future consistent with human dignity provided for in Article 1(1) and the right to life in Article 2(2) of the Basic Law, in conjunction with Article 20(a) of the Basic Law, which mandates political process to protect the natural foundations of life in responsibility for future generations. They argued partly that by requiring insufficient short- and medium-term Greenhouse Gas reductions and allowing for the transfer of emission allocations between Germany and other European Union (EU) Members States, despite the inadequacy of the overall EU emissions reduction target, the Federal Climate Protection Act allowed for climate impacts that violate their fundamental rights. The Court ruled in favour of the plaintiffs, held that the Federal Climate Protection Act was partly unconstitutional because it was insufficient to protect future generations. Finally, in *Held v. State of Montana* (2023) where the Plaintiffs sued the State of Montana for not protecting their right to clean environment, the Court held that State of Montana must take climate change into account when approving fossil fuel projects and that young people have a constitutional right to a healthful environment.

Furthermore, the court in Pakistan were more emphatic when it declared that the delay and lethargy of the state in implementing the 2012 National Climate Policy and framework

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offends the fundamental rights of the citizen in *Ashgar Leghari v Federation of Pakistan* (2015) And even more recently on the African soil, in *Tsama William & ors v. Uganda's Attorney General & Ors* (2021) victims of recurring landslides in Bududa District of Uganda instituted a suit against the government, National Environment Management Authority and the Bududa Local Government Council for its negligence in protecting the citizens from the effects of climate change, particularly, landslides, and for infringing on their rights to life, clean and healthy environment, to property and to physical and mental health, at the Ugandan High Court.

It is in the light of the above that this paper x-rays the impact of climate change in the enjoyment of the right to a clean environment which though, banished to the realm of third generation rights is gradually finding expression in the foremost right to life through purposive judicial interpretation.

2. DEFINITION OF TERM

This section of the paper, for the purpose of clarity in presentation and precision in understanding, defines certain words used in this article. The words includes environment, climate change, and environmental degradation. The term, environment has been defined as the complex of physical, chemical and biotic factors that act upon an organism or an ecological community and ultimately determines its form and survival (Kesiena, 2019). It can be said to be the surroundings in which a person, animal, or plant lives or operates (Hornby, 2015). The National Environmental Standard Regulation Agency (NESREA) Act (2007) defines environment to include, water, air, land, all plants and human being or animals living therein and the inter-relationships which exist amongst any of them.

A clear connection exists between the environment and human rights as a polluted or unhealthy environment restricts people's ability to fully enjoy their human rights, particularly, right to life (Yerima and Ekpa, 2016). Thus, human rights and the environment are intertwined; human rights cannot be enjoyed without a safe, clean and healthy environment; and sustainable environmental governance cannot exist without the establishment of and respect for human rights as was held in *Ransome Kuti v A.G Federation* (1985). Environmental Degradation on the other hand, is the sudden alteration or disturbance to the environment calculated to be harmful or undesirable (Adejonwo-Osho, 2015). This phenomenon is argued to be caused by the increasing human population continually increasing per capita influence and the application of resources depleting and polluting technology. Furthermore, the United Nations international strategy for Disaster Reduction defines Environmental Degradation as "the reduction of the capacity of the environment to meet social and ecological objectives and needs." Thus, when there is an introduction of harmful substances or the carrying out of activities that prove to be toxic to the sustainability of the environment to the extent that it begins to lose its viability, it can be said that the environment is gradually degrading.

Climate Change, according to the United Nations Framework Convention on Climate Change (UNFCCC), refers to 'a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time period.' It is an observable variation in environmental indices such as temperature, weather conditions, rainfall, etc., of a place, as a result of human activities particularly, use of environmental resources (Tyokumbur, 2010). Climate change has been scientifically proven to be caused by human exploitation of the environment, particularly, in its wood burning, farming, fossil fuel combustion, etc., activities and now pose grave danger to man in unprecedented ways (Olajide, Quadri, and Ojakorotu, 2018). The activities of man has led to increased emission of Greenhouse gases in to the environment, which in turn has hurt nature rather than aiding it to give abundant life. Thus, the concept of climate change cannot effectively be discussed without a consideration of the impact of the variability on human life and the ecosystem as a whole (Oamen, and EO Erhagbe, 2021).

3. EXPLICATING INTERNATIONAL LEGAL INSTRUMENTS ON CLIMATE CHANGE, ENVIRONMENTAL DEGRADATION AND PROTECTION OF RIGHT TO LIFE

The Universal Declaration of Human Rights (UDHR) is an international legal instrument with copious provision on how to combat climate change, environmental degradation and protection of the right to life. Thus, article 3 of the UDHR provides that ‘everyone has the right to life, liberty and security of person.’ This right is universal, in that it applies to all individuals not minding nationality, ethnicity or status. It is connected to other rights like liberty and security as well as the right to clean and healthy environment (Ekpa, 2017). The implication is that, on a universal scale, every person is protected from arbitrary killing, violence or harm; they are free from torture, cruel and inhumane treatment, and they have the right to survival and existence (International Covenant on Civil and Political Rights, 1966).

Also, the Stockholm Declaration, 1972 is another international legal instrument with ample provisions on the issues of climate change, environmental degradation and protection of the right to life. This is the first United Nations Declaration directly touching on environmental protection which has birthed several other conventions/treaties on environmental protection, climate change and sundry matters. In its Principle 21, the Stockholm Declaration provides that “States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.”

This Declaration, though guarantees state party rights to exploit the natural resources within their territorial jurisdiction, it mandates them to prevent transboundary environmental harm and ensure the protection of global environment. See for example, the case of *Argentina v. Uruguay* (2010), popularly referred to as the Uruguay River Dispute, where Uruguay, in its paper mill construction and operation, was accused by Argentina of polluting its waters. The International Court of Justice (ICJ), found in favour of Argentina and held that Uruguay was responsible to prevent harm to Argentina’s environment.

Furthermore, the United Nations Framework Convention on Climate Change (UNFCCC) also deals with these issues. This Convention was adopted in 1992 by the UN General Assembly but came into force in 1994, is intended to establish a means through which developing and developed countries could cooperate to meet the convention's objectives, particularly, to prevent the impact of climate change. Some of the foremost provisions of the convention are: Article 3(1) which provides that parties should act in a way to protect the climate and combat its adverse effects based on common but differentiated responsibilities. In like manner, Article 4 provides that all parties must make a greater commitment to addressing climate change whilst subsection (1) encourages state parties to promote and cooperate in the development, application, diffusion including transfer of technologies, practices, processes that control, reduce or prevent anthropogenic emissions of greenhouse gases. Article 5 equally provides that state parties take Responsibilities to promote, facilitate and finance necessary measures for the enhancement of indigenous capacities and technologies of developing state-parties.

Other legal instruments enacted by the UN for the protection of the environment and climate are, the Geneva Convention on Long Range Transboundary Air Pollution, 1979 which objective is towards addressing issues relating to air pollution and how measures can be advanced to prevent the environment and the climate from deteriorating which is averse to human health; the Convention for the Protection of the Ozone Layer-Vienna Convention, 1985 for the reduction in the production and the use of Chlorofluorocarbons which depletes the ozone layer reducing the quality of human life by causing diseases such as cancer etc.; the

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International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001, oil carrying fuel ships that cause pollution would be liable to pay adequate and effective compensation to the affected person or party; the Stockholm Convention on Persistent Organic Pollutants, 2001, the focus of which is the protection of the health of humanity and his environment from organic pollutants. These organic pollutants are capable of causing cancer, damaging of the peripheral nervous system and even the reproductive system etc., thus the need for protection; the Convention for the Prevention of Marine Pollution from Land Based Sources 1974, which is tailored towards the protection of the water bodies as well as wildlife, reducing the disposal of oil, mercury, organ chlorides in the marine environment and etcetera; the Basel Convention Amendment, 1995, enacted for reduction of the disposal and emissions of 'hazardous waste' which harms the health of the public at large and on the environment. Articles 8 and 9 of the Convention mandates that every country must treat the waste before, to ensure that the disposal is very safe; the United Nations Environment Programme, which focuses majorly on the health of the environment with numerous projects such as: Clean the World Initiative with major goal to recycle, reuse and reduce the existing resources with a mandate to clean and conserve the environment, Earth Hour Initiative aimed at reducing the use of energy and carbon components, and The Billion Tree Campaign Initiative initiated by Nobel Laureate Wangaru Maathai with a motive to plant a billion tree by the year of 2007 to support biodiversity; the United Nations Commission on Sustainable Development, established in 1992 to assist and follow up on the United Nations Conference on Environment and Development (UNCED) with the main responsibility to ensure implementation of Agenda 21 and Rio Declaration on Environment and Development. Its Agenda 21 has the objective of seeking to prevent the environment from damaging, preventing natives worldwide from poverty and harmful diseases and mainly to achieve global sustainable development; and the Rio declaration tailored to championing the active participation of the Natives to achieve sustainable development by conserving non-renewable or natural resources from going into complete extinction.

4. EXPLICATING DOMESTIC LEGAL INSTRUMENTS ON CLIMATE CHANGE, ENVIRONMENTAL DEGRADATION AND PROTECTION OF RIGHT TO LIFE

The Constitution of the Federal Republic of Nigeria, 1999 (CFRN, 1999) is the supreme law in Nigeria. By Section 20 CFRN, 1999 (as amended), the government shall ensure safeguarding the country's natural resources, including air, water, land, forests and wildlife and further ensure that the environment is preserved and protected for the use of today and the benefit of future generations. It enacts the prominence of environmental conservation and sustainability and insists that government must make laws, policies and take actions towards protecting the country's natural resources.

On the other hand, section 33 of the Constitution provides that every person has a right to life, and no one shall be intentionally deprived of their life, except in execution of a sentence by a court for a criminal offence. This section places the enormous responsibility on the government to protect the right to life of its citizens, vide its laws, policies and actions.

The African Charter on Human and Peoples' Right is a Regional Legal Framework on the protection of the human rights of the people of Africa which has been domesticated in Nigeria pursuant to section 12 of the CFRN, 1999. Article 4 of the Charter states that every person is entitled to respect for his life and safety, and no one may be arbitrarily deprived of the right to life. Effectively, the Charter is protecting people from harm, violence or any form of exploitation. It drums human dignity and mandates the state to ensure human dignity. In its environmental protection, Article 24 provides that, 'all peoples shall have the right to a general satisfactory environment favourable to their development.' By this provision, the right to a

healthy environment, the duty on government to preserve the environment and the connection between environment and development is guaranteed in Nigeria.

In interpretative functions, the African Commission on Human and Peoples' Right (ACHPR) has held severally that, environmental degradation amounts to violation of human rights, states must adopt policies and actions that prevents environmental degradation and provide access to information, enabling public participation in environmental decision-making, in *Social and Economic Rights Action Center (SERAC) v. Nigeria* (2021), *Centre for Minority Rights Development (CEMIRIDE) v. Kenya* (2009) and *Socio-Economic Rights and Accountability Project (SERAP)* (2010).

Also, the Climate Change Act, 2021 is a noteworthy piece of legislation aimed at addressing climate change in Nigeria. Signed into law in November 2021, the law is a demonstration of Nigeria's commitment to achieve net-zero emissions by 2060 at the COP 26 conference held in Glasgow, Scotland (Pila, and Ezebuike, 2021). By section 1, the Act has, as part of its objectives, achieving net-zero emissions and mainstreaming climate action into national programs, setting a target for year 2050-2070, for the attainment of a net-zero GHG emission in Nigeria. Section 2 of the Act provides that the Act shall apply to the Ministries, Departments and Agencies of Federal Government of Nigeria, and to public and private entities within the territorial boundaries of Nigeria for the development and implementation of mechanisms geared towards fostering low carbon emission, environmentally sustainable and climate resilient society.

The Climate Change Act establishes the National Council on Climate Change (the Council), empowered to make policies on all matters connected to climate change in Nigeria, and more particularly, pertaining to coordinating the implementation of sectoral targets and guidelines for the regulation of the GHG emissions and other anthropogenic causes of climate change; implementing Nigeria's Climate Change Action Plan; mobilising financial resources to support climate change actions and administering a climate change fund; and developing a mechanism for carbon tax in Nigeria, including developing and implementing a mechanism for carbon emission trading (Climate Change Act, 2021).

The Act mandates all private entities with employees numbering 50 and above to put in place procedures to achieving the annual carbon emission reduction targets in line with the Action Plan. They are also required to designate a climate change officer or an environmental sustainability officer, who shall submit to the Secretariat, through the State Director, annual reports on the entity's efforts at meeting its carbon emission reduction and climate adaptation plan. This increases the overall compliance obligations of mid-to-large private sector firms in Nigeria and care should be taken not to violate it. A private entity that fails to meet its reduction targets shall be liable to a fine to be determined by the Council. The Council in determining such fine, may rely on a system of Environmental Economic Accounting with attention on the health impacts, impact on climate variation, and total damage to ecosystem services. The Council may also require a private entity that fails to comply with its climate change obligations, to prepare a report within a specified time, on its past and current actions, and future actions to be taken to secure performance with its climate change obligations.

5. HUMAN RIGHT APPROACH TO CLIMATE CHANGE

It is important to reiterate that climate change has a direct connection with the right to life guaranteed every citizen of Nigeria. As indicated earlier, section 33 of the Constitution of the Federal Republic of Nigeria provides that every person has a right to life and no one shall be deprived intentionally of his life, save in execution of the sentence of a criminal offence for which he has been found guilty. Similarly, Article 3 of the UDHR provides that 'everyone has the right to life, liberty and security of person.' In espousing on how the right to life should be interpreted, the UN Human Rights Committee vide its General Comment No. 6, expressly

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posited that right to life should not be interpreted in a narrow or restrictive manner, insisting that the protection of the right demands the state to take positive measures (UN Human Rights Committee, General Comment No. 6 – the Right to Life (1982)). Implying that, where a government fails to take measures to prevent anything that is detrimental to the life of her citizens, including climate change, and a person(s) suffers harm as result of the failure, that person(s) has the right to seek redress in Court for the violation of his/their right to life (Doussa, Corkery, and Chartres, 2007).

However, the court in Nigeria is seldom invited to expansively and purposefully interpret section 33 to include harmful and unsafe environmental practices that tend to reduce the quality of life. Simply put, the right to clean and safe environment is hardly contemplated to be within the precincts of section 33 of the Constitution of the Federal Republic of Nigeria or any other human rights instruments which gives expression to right to life for which an individual can institute an action in courts for its protection and enforcement as the case may be. Also, despite the enactment of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (1981), the decision of the Supreme Court of Nigeria in *Abacha v. Fawehinmi* (2000) that the Charter not only has binding force on Nigeria, it also enjoys superiority over other domestic laws except the constitution, and the decision of the Federal High Court in *Jonah Gbemre v. Shell Petroleum Development Company Nigeria Ltd* (2005) where it was held that provisions of the African Charter relating the environmental rights and others are justiciable, argument still abound that the right to a healthy environment is not justiciable in Nigeria.

In fact, Enabulele and Ewere (2012) opined, particularly with respect to *Abacha v. Fawehinmi* (2000) that the African Commission on Human and Peoples' Rights (ACHPR) cannot circumvent the Nigerian Constitution by making justiciable what is otherwise non-justiciable by enforcing the Charter against Nigeria. The argument is anchored on the fact that the Nigerian Constitution is supreme and even though the African Charter has been domesticated, it remains inferior to the Constitution. With the greatest respect, however, the learned authors did not pay attention to the fact that the Constitution itself provides that Chapter II thereof is non-justiciable except as otherwise provided by the Constitution. Placing that arguing side by side the provision of Section 4(2) of the Constitution, which empowers the National Assembly to make laws for the peace, order and good government, pursuant to which the African Charter (Ratification and Enforcement) Act was enacted, one can say with authority, that, the rights contained in the African Charter, particularly, rights to a safe and healthy environment, are justiciable.

Be that as it may, the Supreme Court of Nigeria gave the impression that an action for the protection of the right to a clean and healthy environment can be situate and enforced through the provisions of section 33 Constitution of the Federal Republic of Nigeria, Article 24 of the African Charter on Human and People's Rights (Ratification and Enforcement) Act (1981) and section 17(4) of the Oil Pipelines Act 2004 respectively in *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation* (2018). The appellant in the instant case alleged that the respondent was recklessly negligent in both the causation and containment of oil spillage. Both the trial court and the Court of Appeal dismissed the appellant's suit for want of *locus standi* which necessitated the appeal to the Supreme Court. What is of particular interest to this paper is the contribution of the Amicus Curiae of the apex court. The Amicus in submitting that section 33 of the CFRN provides for the right to life and that any act or omission that threatens the health of the people of the community also threatens their lives and is in breach of the guarantee to right to life provided by the constitution.

The controversial issue of the Non-justiciability of section 20 being in chapter two of the constitution has been laid to rest as the law is express that, other provisions of the constitution as well as other statutes can actually bestow the garment of justiciability on the

provisions of chapter two as was held in *Attorney General Lagos State v Attorney General of Federation & Ors.* (2003) and *Olafisoye v FRN* (2004). Thus, where the provision of the constitution clearly makes another provision in chapter two justiciable or an Act of the National Assembly is enacted on the subject, like section 17(4) of the Oil Pipelines Act (2004), and/or Article 24 of the African Charter on Human and Peoples' Right (Ratification and Enforcement) Act (1981), it becomes justiciable.

Furthermore, the 1972 Stockholm Declaration, in its principle 1 stated thus: "Man has the fundamental right to freedom, equality and adequate conditions of life in an environment of a quality that permits a life of dignity and wellbeing, and he bears a solemn responsibility to protect and improve the environment for present and future generations." It therefore makes more sense that, the International Court of Justice, in *Gabcikovo-Nagyamorous* (1997) held that the protection of the environment is likewise, a vital part of contemporary human rights doctrine, for it is sine qua non for numerous rights such as the right to health and the right to life itself...as damage to the environment can impair and undermine all the human rights of in the Universal Declaration and other human rights instrument.

6. IMPACT OF CLIMATE CHANGE ON THE RIGHT TO LIFE

Human activities that are poisonous to the environment contribute largely to the threat faced by the Ecosystem. For instance, the application of pesticides for pest control pollutes the atmosphere; thermal power stations, burning of fossil fuels, exhaust fumes emitting toxic pollutants such as sulphur dioxide, carbon monoxide amongst others causing acid rain, global warming and the malfunctioning of human haemoglobin are direct effects of human economic and domestic activities. The direct consequences of these activities are: air pollution, solid and hazardous waste, soil degradation, loss of biodiversity, and ultimately, climatic change (Briffa, Sinagra, and Blundell, 2020).

The Malé Declaration on the Human Dimension of Global Climate Change, propounded that "climate change has clear and immediate implications for the full enjoyment of human rights including *inter alia* the right to life, the right to take part in cultural life, the right to use and enjoy property, the right to an adequate standard of living, the right to food, and the right to the highest attainable standard of physical and mental health.' Thus, in 2014, the World Health Organisation (WHO), in its Quantitative risk assessment of the effects of climate change on selected causes of death, projected that between 2030 and 2050, climate change could lead to approximately 250,000 deaths per year because of malnutrition, malaria, diarrhoea and heat stress alone.

The rampant and alarming increase in the depletion of the ecosystem called climate change, directly and indirectly affects the enjoyment of the right to life and significantly poses a great threat to the quality of human life. The Intergovernmental Panel on Climate Change has projected an increase in the frequency and intensity of climate-related hazards such as storms, floods, and droughts, along with rising sea levels and ocean desertification driven by greenhouse gas emissions. These threats to human life are argued to be closely tied to the challenges of environmentally induced human mobility; specifically, environmental degradation may significantly hinder people's capacity to live in certain areas. Although various organizations have established mechanisms to support climate change adaptation, the specific actions that member countries are legally obligated to undertake in order to meet their commitments under international human rights agreements remain ambiguous (Ladan, 2009).

In 2009, the Office of the United Nations High Commissioner for Human Rights after enquiring on the multifaceted effects of climate change on the enjoyment of human rights summed up its findings in a report to the human rights council thus "the report notes that the effects of climate change including heat waves, floods and other natural phenomena, will pose

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direct and indirect threats to the right to life and the closely related rights to food, water, health and housing” (Babalola, 2020).

In particular, human health faces significant risks as exposure to toxic air pollutants can lead to respiratory issues such as pneumonia and asthma, contributing indirectly to the deaths of millions. Approximately 40% of water sources are unsuitable for fishing, swimming, or even drinking due to their significant health risks. Although tap water can be treated to meet stringent testing and purity standards, it is not consistently free of diarrheal pathogens. This was highlighted by the waterborne disease outbreak caused by cryptosporidium in Milwaukee in 1993, which impacted over 400,000 individuals.

A World Health Organization data revealed that over two billion people lack safe drinking water whilst over 600 million suffer from foodborne illnesses annually with children under the age of 5 bearing 30% of food borne fatalities. Climate change affects food availability, it is not surprising therefore, that, about 770 million people were said to have faced hunger in Africa and Asia. Hence, it is safe to conclude that not only does environmental degradation and climate change affect the enjoyment of the right to life, its crisis threatens to undo the progress achieved in development, global health and poverty reduction in the last five decades.

The standard of living for individuals and communities can deteriorate due to severe storms, flooding, rising sea levels, growing deserts, and heat waves resulting from climate change (Human Rights Committee of New South Wales Young Lawyers, Human Rights and Climate Change Study: A Submission to the OHCHR, 2008). Those residing in climate-affected regions face a greater risk of disease due to inadequate nutrition and limited access to clean drinking and hygienic water, which directly affects their quality of life. Additionally, climate change influences the severity of various diseases, including vector-borne, waterborne, and respiratory illnesses. The World Health Organization has reported that since the 1970s, climate change has been responsible for at least 150,000 deaths annually. It is such that, by 2085, it is expected that climate change will put 3.5 billion people at risk for dengue fever, as changing temperatures and precipitation will complicate efforts to manage the disease.

Reflecting on the effects of climate change on the right to life, the UN Human Rights Council (HRC) recognized the right to a clean, healthy, and sustainable environment in its resolution 48/13 in 2021. This resolution underscores the damage caused by climate change and environmental degradation to millions globally, especially impacting vulnerable individuals and groups. The frequency and severity of extreme weather events, such as cyclones, are increasing due to global warming, resulting in severe flooding and infrastructure damage that threaten the right to life and adequate living standards. Furthermore, gradual issues like rising sea levels may result in the loss of coastal and agricultural land, endangering the rights to food and adequate housing for entire communities. Around 400 million indigenous peoples, closely connected to their natural environments, face threats to their cultural rights and their collective rights to development and self-determination. The negative consequences of climate change are disproportionately experienced by marginalized groups who are already in vulnerable situations due to factors such as geography, gender, sexual orientation, age, indigenous or minority status, disability, or experiences of conflict, violence, or displacement. This concern is further highlighted in HRC resolution 48/14, which established a Special Rapporteur to promote and protect human rights in the context of climate change.

7. CONCLUSION AND RECOMMENDATIONS

By the provisions of the legal framework, both international and domestic highlighted earlier, aimed at enhancing quality of life by making regulations as to the activities of humans vis-à-vis their environment; it is concluded that climate change has negative impact on the enjoyment of human rights, particularly, right to life. A combination of increased temperature,

increase in sea levels leading to flooding, vector-bound diseases, etc., all are geared towards hampering with the enjoyment of life. Consequent upon the foregoing attempt to situate the right to clean environment within the realm of the foremost human right to life, it is apparent that most international, regional and national bodies have realized that the protection of the environment is a *sine qua non* to enjoyment of the right to life as the absence of the former puts the latter at great risk.

What is interesting is that, the current state of the law in Nigeria protects the rights to a safe and healthy environment. It is either the right to life in section 33 of the Constitution is interpreted broadly to include right to a safe and healthy environment or the courts should accord the distinct right to a clean environment its status.

The respective authorities must not just stop at ensuring policies and laws that are sometimes very difficult to comprehend by the people but must take concerted efforts to educate the people on the importance of adhering to the laws to protect their right to life. Hence, the issue of enforcement of the provisions of all the relevant laws aimed at protecting the environment must be addressed and enforcement institutions held accountable. It is more specifically, recommended that, environmental activists should explore more of the Fundamental Rights (Enforcement Procedure) Rules, 2009 in their environmental protection litigations, as it gives room for affidavit evidence, which is fast and easier.

There is equally need for comprehensive campaigns on environmental protection with easy-to-achieve step by step guide on how to contribute towards the fight against climate change. Community effort is paramount in achieving this.

The judiciary, both at the international, regional and national levels should be encouraged to deploy judicial activism in interpreting both international treaties and national laws in the relationship between a clean, healthy environment and the right to life. As such purposive interpretation of the extant laws and treaties will ensure that environmental pollution agents are discouraged and where necessary, adequately punished for any form of violations.

There is also the need to mitigate climate change by employing technology in providing cleaner sources of energy like solar or wind energy. Advocacy aimed at encouraging subscription to solar or wind energy should be intensified and financial and infrastructural facilities should be made accessible by the government for the utilisation of the citizens.

Also, using technology for early detection and mitigation of pending climate disaster is important. This will aid early warnings. To achieve this, the government needs to fund research and equip research partners with necessary technological facilities for detection and mitigation of climate disaster in Nigeria.

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