

Environmental Justice in Nigeria: Spotlight on Activism of Nongovernmental Organisations over Petroleum Development in the Oil-Rich Delta Region

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ABSTRACT: *Environmental justice (EJ) is a progressively advancing subject, social movement and practice, which requires fair treatment and meaningful involvement of all humans, regardless of sex, age, class, income, race, colour or nationality, in the development, management, implementation and enforcement of plans, policies, laws and regulatory practices, towards the protection and management of the environment in the course of socio-economic development programmes, including projects. It also requires equitable and thus indiscriminate exposure of all to environmental good and harm. It is an advancing social movement that advocates a healthy and eco-balanced environment, towards human wellbeing, sustainable communities and all-embracing sustainable development (SD) in the overall interest of society within our Planet (Mother Earth). EJ may thus be discussed within the rubrics of the twin relationship of the environment to development, in the ongoing effort of the UN to achieve SD around the world. Hence, this socio-legal study examines efforts of EJ Nongovernmental Organisations in the oil-rich ethnic minority Niger Delta region, towards greater wellbeing of the environment, humans and society at large in the region and beyond. The study makes a case for application of international benchmarked norms, guidelines, standards and practices on EJ beyond advanced countries, particularly to underprivileged areas of the developing world, such as the marginalized and neglected oil-rich ethnic minority communities of the Niger Delta region and other such deprived resource-rich areas of other developing countries.*

KEYWORDS: Environmental Justice; Activism of Nongovernmental Organisations; Petroleum Development; Oil-Rich Delta Region; Major Natural Resources; Extractive Industrial Operations; Resource-rich Areas, Resource Curse; International Benchmarked Norms, Guidelines, Standards and Practices; Sustainable Development; Good Governance

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INTRODUCTION

Environmental justice (EJ) is an increasingly advancing subject-matter, theory, social movement and practice,¹ which stipulates fair treatment and meaningful involvement of all humans, regardless of sex, age, class, income, race, colour or nationality, in the development, management, implementation and enforcement of plans, policies, laws and regulatory practices, towards prudent protection and efficient management of the environment in the course of socio-economic developmental plans, policies and programmes (including projects [PPPs]).² It requires equitable and thus equal exposure of all to environmental good and harm.³ So, the theory and practice of EJ stipulate that all citizens and groups should equally receive from government the same degree of protection from environmental hazards, such that minority and underprivileged populations do not face discriminatory and thus inequitable environmental costs (burdens, compromises or other forms of challenges).⁴ Hence, ‘fair treatment’ may mean that no population bears a disproportionate share of negative environmental consequences resulting from industrial, municipal and commercial operations or from the execution of federal, state and local government laws, regulations, policies and practices. Accordingly, ‘meaningful involvement’ requires environmental democracy. That means public engagement (participation *vis-à-vis* interactive involvement) in environmental decision making of all affected citizens and citizen-groups, such as local communities, as well as the effective access of those so affected to decision makers, towards informed decision-making and decision-implementation processes; as doing so means positive actions of all (decision makers and the affected members of the public) towards the achievement of EJ.⁵

¹ Encyclopædia Britannica, ‘Environmental Justice: Social Movement’, <<https://www.britannica.com/topic/environmental-justice>> Accessed 23 July, 2022; D. Schlosberg, *Defining Environmental Justice: Theories, Movements, and Nature* (Oxford University Press, 2007).

² US Department of Energy (Office of Legacy Management), ‘Environmental Justice’ <<https://www.energy.gov/lm/services/environmental-justice/what-environmental-justice>>; ScienceDirect, ‘Environmental Justice’ <<https://www.sciencedirect.com/topics/earth-and-planetary-sciences/environmental-justice>> both Accessed 23 July, 2022; E. O. Ekhatior, ‘The Role of Non-Governmental Organizations in the Environmental Justice Paradigm’ [2017], 8 (2), *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, 28.

³ J. Byrne *et al.*, ‘Planning for Environmental Justice in an Urban National Park’ [2009], 52 (3), *Journal of Environmental Planning and Management*, 365–392; D. Schlosberg (n1); US Environmental Protection Agency (EPA), ‘Environmental Justice’ <<https://www.epa.gov/environmentaljustice>> Accessed 23 July, 2022; E. T. Bristol-Alagbariya, *Permanent Sovereignty Over Natural Resources: Duties of Resource-Rich Developing Countries & Petroleum Development in Nigeria* (LAP Lambert Academic Publishing, 2020).

⁴ Encyclopædia Britannica (n1); L. Barrera-Hernandez *et al.*, *Sharing the Costs and Benefits of Energy and Resources Activity: Legal Change and Impact on Communities* (Oxford University Press, 2016).

⁵ D. N. Zillman *et al.* (eds) (n5); E. Bastida *et al.* (eds), *International and Comparative Mineral Law and Policy: Trends and Prospects* (Kluwer Law International, 2005), 265–267 and 278–279; U. Etemire, *Law and Practice of Public Participation in Environmental Matters: The Nigerian Example in Transnational Comparative Perspective* (Routledge, 2016); E. T. Bristol-Alagbariya, *Participation in Petroleum Development: Towards Sustainable Community Development in the Niger Delta* (CEPMLP/Dundee University Press [DUP] 2010); M. B. Gerrard and S. R. Foster (eds), *Environmental Justice; Theories and Procedures to Address*

International benchmarked standard for environmental democracy is espoused in Principle 10 of the Rio Declaration on Environment and Development, 1992, and elaborated in the Aarhus Convention, 1998).⁶ EJ may also be considered as involving issues of sustainable consumption and production,⁷ and good environmental governance (GEG), which involves good public sector environmental governance and corporate environmental stewardship, namely corporate environmental responsibility, accountability or performances.⁸ Predominantly, EJ is a movement that advocates a healthy and eco-balanced environment, towards human wellbeing,⁹ sustainable communities¹⁰ and all-embracing sustainable

Disproportionate Risks (American Bar Association, 2009); A. Harley and E. Scandrett (eds), *Environmental Justice, Popular Struggle and Community Development (Rethinking Community Development)* (Policy Press, 2019); C. Villa *et al.*, *Environmental Justice: Law, Policy & Regulation* (Carolina Academic Press, 2020).

⁶ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June, 1998

<<https://www.unece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>>; area of the homepage of the European Commission captioned 'The Aarhus Convention' <https://ec.europa.eu/environment/aarhus/index.htm>; UNECE, 'AARHUS CONVENTION: Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters - Quotable'

<<https://www.unece.org/fileadmin/DAM/env/pp/contentofaarhus.htm>>; UN General Assembly (UNGA), 'Report of the United Nations Conference on Environment and Development (Rio de Janeiro, 3-14 June, 1992) Annex I, Rio Declaration on Environment and Development', A/CONF.151/26 (Vol. I), dated August 12, 1992, https://www.un.org/en/development/desa/population/migration/generalassembly/docs/globalcompact/A_CONF.151_26_Vol.I_Declaration.pdf; homepage of the International Association of Public Participation (IAP2)

<<https://www.iap2.org>>; IAP2 'IAP2 Spectrum of Public Participation'

<https://cdn.ymaws.com/www.iap2.org/resource/resmgr/pillars/Spectrum_8.5x11_Print.pdf>; homepage of the International Association for Impact Assessment (IAIA) <<https://www.iaia.org>> all Accessed 23 July, 2022; S. Stec *et al.*, *The Aarhus Convention: An Implementation Guide* (UN, 2000), v.

⁷ Chapter Four, UN Agenda 21, captioned 'Changing Consumption Patterns'; UN Sustainable Development Goals (SDGs), Goal 12: captioned 'Responsible Consumption & Production'; UN Sustainable Development: UN Conference on Environment & Development, Rio de Janeiro, Brazil, 3 to 14 June 1992, 'AGENDA 21' <<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>>; UN Environment Programme (UNEP), 'Sustainable Consumption and Production Policies' <<https://www.unep.org/explore-topics/resource-efficiency/what-we-do/sustainable-consumption-and-production-policies>>; UN Department of Economic and Social Affairs (DESA), 'Sustainable Development Goals: Make the SDGs a Reality' <<https://sdgs.un.org/>> all Accessed 23 July, 2022; E. Briggs (ed), *Sustainable Consumption and Production: A Handbook for Policymakers* (UNEP, 2015).

⁸ Zambia Institute of Environmental Management, 'Environmental Governance and Justice'

<<https://www.zieminstitute.com/EnvironmentalGovernance.jsp#:~:text=Good%20environmental%20governance%20reflects%20better,with%20the%20best%20possible%20intentions>>; Organization for Security and Co-operation in Europe (OSCE), 'Good Environmental Governance' <<https://www.osce.org/ocea/446368>>; homepage of the UN Global Compact <<https://www.unglobalcompact.org/>>; UN Global Compact, 'Who are We: Business as a force for good' <<https://www.unglobalcompact.org/what-is-gc/mission>>; homepage of the World Business Council for Sustainable Development (WBCSD) <<https://www.wbcsd.org/>> all Accessed 23 July, 2022; E. T. Bristol-Alagbariya (n5), particularly 35, 196–198, 318, 323, 326–327 and 330–335.

⁹ Goal 3, UNSDGs, captioned 'Good Health and Wellbeing', which is designed to ensure healthy lives and promote well-being for all at all ages; Principle 1, Rio Declaration on Environment and Development, 1992;

development (SD).¹¹ It promotes and affirms the sacredness of our Planet (Mother Earth), ecological unity, interdependence of all species, and the right of these species to be free from ecological destruction.¹² EJ may therefore be considered, discussed, examined and explored within the rubrics of the twin, otherwise put, intertwined relationship of the environment to development in the ongoing and dynamically advancing global effort of the UN to achieve SD in UN member-states and territories around the globe. The ongoing effort of the UN to achieve SD is designed to promote and/or ensure human wellbeing, conserve the environment, ecology and ecosystems as well as ecosystem services, so as to safeguard the vitality, diversity and productivity of natural resources and overall nature (variety of other forms of life) on Planet Earth and thereby ensure the good health and general wellbeing of the natural world for present and future generations of humans and society at large.¹³

The International Union for Conservation of Nature (The World Conservation Union [IUCN]) Commission on Environmental, Economic and Social Policy, 'Human Wellbeing and Sustainable Livelihoods' <https://www.iucn.org/commissions/commission-environmental-economic-and-social-policy-our-work/human-wellbeing-and-sustainable-livelihoods> Accessed 23 July, 2022; R. Prescott-Allen, *The Wellbeing of Nations: A Country-by-Country Index of Quality of Life and the Environment* (Island Press, 2001); UNEP, *Healthy Environment, Healthy People* (UNEP, 2016).

¹⁰ Goal 11, UNSDGs, captioned 'Sustainable Cities and Communities', which is designed to make cities and human settlements inclusive, safe, resilient and sustainable; UN SDGs, 'Goal 11: Make cities inclusive, safe, resilient and sustainable' <<https://www.un.org/sustainabledevelopment/cities/>>; UNEP, 'GOAL 11: Sustainable cities and communities' <<https://www.unep.org/explore-topics/sustainable-development-goals/why-do-sustainable-development-goals-matter/goal-11>>; World Bank Group, 'Sustainable Cities and Communities' <<https://www.worldbank.org/en/topic/sustainable-communities>>; World Bank Group, '3 Big Ideas to Achieve Sustainable Cities and Communities' <<https://www.worldbank.org/en/news/immersive-story/2018/01/31/3-big-ideas-to-achieve-sustainable-cities-and-communities>> all Accessed 23 July, 2022.

¹¹ World Commission on Environment and Development (WCED), *Our Common Future* (Oxford University Press, 1987), 8, 40 and 43; homepage of the Earth Charter (Earth Charter Initiative) <<https://earthcharter.org/>> Accessed 23 July, 2022; P. B. Corcoran (ed), *The Earth Charter in Action: Toward a Sustainable Development* (KIT Publishers 2006); UN Association of Australia (UNAA), *The Earth Charter* (UNAA 2017).

¹² ScienceDirect, 'Environmental Justice' (n2); Environmental Justice Alliance (EJA), 'Environmental Justice Alliance at UCSB: History of Environmental Justice' <<https://eja.as.ucsb.edu/2020/01/10/history-of-environmental-justice/>>; University of Washington, 'Principles of Environmental Justice' <<https://uw.pressbooks.pub/climatejusticeandenergysolutions/chapter/principles-of-environmental-justice/>>; The Center for Biological Diversity, '17 Principles of Environmental Justice' <<https://www.biologicaldiversity.org/about/17-principles-of-environmental-justice.html>> all Accessed 23 July, 2022.

¹³ IUCN *et al.*, *World Conservation Strategy: Living Resource Conservation for Sustainable Development* (IUCN 1980); IUCN *et al.*, *Caring for the Earth: A Strategy for Sustainable Living* (Earthscan, 2009); Principle 1, Rio Declaration on Environment and Development, 1992; D. Attenborough, *Life On Earth: A Natural History* (William Collins & Sons 1979); G. Park, *Introducing Natural Resources* (Dunedin Academic Press, 2016); T. Flannery, *Here on Earth: A Natural History of the Planet* (Atlantic Monthly Press, 2010); E. T. Bristol-Alagbariya, 'Sustainable Development Law and Multidisciplinary Sustainable Development-oriented Efforts towards the Wellbeing of Humans and Overall Resources of Nature' [2020], 81, *International Affairs and Global Strategy*, 69–93; P. J. Cooper and C. M. Vargas, *Implementing Sustainable Development: From Global Policy to Local Action* (Rowman & Littlefield Publishers, 2004); J. Blewitt, *Understanding Sustainable Development* (Routledge, 2018); B. Jennings, *Ecological Governance toward a New Social Contract with the Earth* (West Virginia University Press, 2016); F. Dodds *et al.*, *Only One Earth: The Long Road via Rio to Sustainable Development* (Routledge, 2012); S. R. Kellert, *Birthright: People and Nature in the Modern World*

As a movement, EJ is associated with the well over five centuries of struggle of coloured people in the USA to achieve a healthy and sustainable environment towards sustainable communities in the country. It started in the 1960s and 1970s and became prominent in the early 1980s as a grassroots movement¹⁴ concerning discontent that arose from poor, harmful and discriminatory environmental policies and practices (to address the inequity of environmental protection) that occasioned racism against black (African American) communities,¹⁵ such as the Deep South of USA. The Deep South of USA is a cultural and geographic sub-region in Southern USA, which is historically an area of slave (plantation) community that is characterised by white supremacy and its attendant racial tension.¹⁶

Hence, EJ became linked to the underprivileged minorities and thus race, class, gender and social justice around the world.¹⁷ EJ is thus progressively advancing throughout the world, albeit, it varies in the context of countries and regions around the globe.¹⁸ As such, whereas in African countries, EJ emphasises fair, equitable and socially justifiable access to natural resources towards human wellbeing, in the UK and USA its emphasis is on maintaining the wellbeing of the Planet (Mother Earth) through genuine public engagement in the course of socio-economic developmental PPPs, towards good environmental decision-making and decision-implementation processes and overall GEG, so as to achieve SD.¹⁹ EJ has thus

(Paperbackshop UK Import, 2014); O. Konare (UN University), 'Humanity's Attachment to Mother Earth' <<https://ourworld.unu.edu/en/humanitys-attachment-to-mother-earth>>; homepage of the IUCN <<https://www.iucn.org/>> both Accessed 23 July, 2022.

¹⁴ Encyclopaedia Britannica, 'Grassroots Movement or Campaign' <<https://www.britannica.com/topic/grassroots>>; ScienceDirect, 'Grassroots Movement' <<https://www.sciencedirect.com/topics/social-sciences/grassroots-movement>> both Accessed 23 July, 2022.

¹⁵ US Department of Energy (Office of Legacy Management), 'Environmental Justice History' <<https://www.energy.gov/lm/services/environmental-justice/environmental-justice-history#:~:text=The%20initial%20environmental%20justice%20spark,of%20toxic%20waste%20along%20roadways>>; US Environmental Protection Agency (EPA), 'Environmental Justice Timeline: How Did the Environmental Justice Movement Arise?' <<https://www.epa.gov/environmentaljustice/environmental-justice-timeline>>; Natural Resources Defense Council (NRDC), 'The History of Environmental Justice in Five Minutes' <<https://www.nrdc.org/stories/history-environmental-justice-five-minutes>> School for Environment and Sustainability, University of Michigan, 'History of Environmental Justice Education and Research at SEAS' <<https://seas.umich.edu/academics/master-science/environmental-justice/history-environmental-justice>> all Accessed 23 July, 2022.

¹⁶ National Humanities Center, 'Plantation Community' <<http://nationalhumanitiescenter.org/pds/maai/community/text2/text2read.htm>>; National Geographic Society, 'The Plantation System' <<https://www.nationalgeographic.org/encyclopedia/plantation-system/>>; both Accessed 23 July, 2022; A. L. Young, 'Risk Management Strategies Among African-American Slaves at Locust Grove Plantation' [1997] 1 (1) *International Journal of Historical Archaeology*, 5–37.

¹⁷ E. O. Ekhaton, 'Improving Access to Environmental Justice under the African Charter on Human and Peoples' Rights: The Roles of NGOs in Nigeria' [2014], *African Journal of International and Comparative Law*, 22 (1), 63–79, especially 64.

¹⁸ C/f National Geographic Society, 'The origins of environmental justice—and why it's finally getting the attention it deserves' <<https://www.nationalgeographic.com/environment/article/environmental-justice-origins-why-finally-getting-the-attention-it-deserves>> Accessed 23 July, 2022.

¹⁹ D. N. Zillman *et al.* (eds), *Human Rights in Natural Resources Development: Public Participation in Sustainable Development of Mining and Energy Resources* (Oxford University Press, 2002); The International Bank for Reconstruction and Development (The World Bank), *The World Bank Participation Sourcebook* (The

spread out and is flourishing around the world, especially in resource-rich developing countries, which are associated with degradation, devastation and despoliation of the environment. Obviously therefore, the paradigm of EJ is now global rather than being localised to the experiences of underprivileged African American areas or communities of the USA.²⁰

As a progressively advancing subject, EJ has constituted a platform for worldwide civil society activism, such as the advocacy of International Nongovernmental Organisations (INGOs) and Nongovernmental Organisations (NGOs), in the course of ongoing environmental protection efforts, including in terms of sharing the costs (burdens, compromises and/or challenges) of socio-economic developmental PPPs, such as petroleum EIOs, towards sustainable wellbeing of the environment, humans and all-embracing SD.²¹

EJ activism associated with petroleum development in Nigeria involves advocacy concerning the wellbeing of the environment of the oil-rich ethnic minority Niger Delta region,²² to wit GEG, premised on sound and prudent protection and efficient management of the environment, natural resources conservation, preservation of ecology, ecosystems and ecosystem services, as well as appropriate and sustainable human wellbeing, towards equitable SD in the Delta region and other oil producing areas of Nigeria. Thus, the achievement of equitable SD is to the advantage of other resource-rich areas of Nigeria and those of other resource-rich developing countries.²³

World Bank, 1996); T. C. Beierle and J. Cayford, *Democracy in Practice: Public Participation in Environmental Decisions* (Resources for the Future 2002); B. Cook and U. Kothari (eds), *Participation: The New Tyranny?* (Zed Books, 2004); J. L. Creighton, *The Public Participation Handbook: Making Better Decisions through Citizen Involvement* (Jossey-Bass, 2005); E. T. Bristol-Alagbariya, 'The Concept, Principle, Law and Developmental Practice of Environmental Democracy towards Sustainable Development in Resource-rich Communities of Developing Countries: Focus on Nigeria's Oil Producing Delta Region' [2020], 94, *Journal of Law, Policy and Globalization*, 53–74; E. T. Bristol-Alagbariya and U. Etemire, 'International Benchmarked Environmental Democracy and Impact-Benefit Agreements towards Sustainable Community and Petroleum Development in Nigeria's Oil Producing Communities and Sustainable Development in Nigeria at Large' [2021], 9 (8), *Global Journal of Politics and Law Research*, 20–53.

²⁰ National Geographic Society, 'The origins of environmental justice—and why it's finally getting the attention it deserves' <<https://www.nationalgeographic.com/environment/article/environmental-justice-origins-why-finally-getting-the-attention-it-deserves>> Accessed 23 July, 2022; E. O. Ekhaton (n17), 65.

²¹ L. Barrera-Hernandez *et al.* (eds) (n4); E. T. Bristol-Alagbariya, 'Sharing the Costs and Benefits of Energy and Resources Activity: Legal Change and Impact on Communities, L. Barrera-Hernandez *et al.* (eds) (Oxford University Press, 2016)' [2020] 5, *University of Port Harcourt Journal of Private Law*, 248–253; E. Fisher, 'Sustainable Development and Environmental Justice: Same Planet, Different Worlds?' [2003], 26 (2), *Environs*, 201–217 .

²² E. T. Bristol-Alagbariya, 'Primordial Niger Delta, Petroleum Development in Nigeria and the Niger Delta Development Commission Act: A Food For Thought!' [2020], 10 (3), *Developing Country Studies*, 106–128.

²³ E. T. Bristol-Alagbariya, *Law & Ethical Conducts on Energy Resources Operations in Nigeria: Spotlight on Petroleum Development Operations* (LAP Lambert Academic Publishing, 2021).

Based on the foregoing, this socio-legal form of non-doctrinal study²⁴ will examine how civil society groups, namely NGOs, as engines of positive change in Nigeria, have been making efforts to improve the wellbeing of the environment, citizens and communities of the oil-rich Delta region and other oil producing areas of Nigeria, in the course of the over six decades of petroleum development operations in the region. Substantially, EJ may be discussed in the context of activism of NGOs in the context of the over six decades of petroleum development operations in the oil-rich Niger Delta region and the attendant monumental adverse consequences of these operations in the oil-rich communities of the region, as a reference point to other oil producing areas and other resource-rich areas of Nigeria, in the framework of the ongoing effort of the UN towards SD around the world.²⁵

Petroleum and other energy and major natural resources extractive industrial operations (EIOs) obviously have colossal negative effects on the environment,²⁶ human wellbeing, such as adverse health consequences,²⁷ *et cetera*, and overall SD. The monstrous consequences of petroleum energy and major resources EIOs affect the wellbeing of the oil-rich ethnic minority Niger Delta region and other oil producing areas of Nigeria,²⁸ as well as the wellbeing of other resource-rich areas of the country and those of other resource-rich developing countries and the general wellbeing of these countries.²⁹

Relevant landmark studies, backed by practical evidences, which are increasingly taking place around the globe, demonstrate that EIOs essentially inhibit SD.³⁰ If petroleum and other

²⁴ N. Creutzfeldt *et al.* (eds), *Routledge Handbook of Socio-Legal Theory and Methods* (Routledge, 2020); C. Wigwe, *Legal Research Methodology and Practice* (Princeton and Associates Publishing Co., 2019), 11–25; R. Banakar and M. Travers (eds), *Theory and Method in Socio-Legal Research* (Hart Publishing, 2005); R. Banakar and M. Travers (eds), *Law and Social Theory* (Hart Publishing, 2014); D. Feenan, *Exploring the 'Socio' of Socio-Legal Studies* (Palgrave Macmillan, 2013); D. N. Schiff, 'Socio-Legal Theory: Social Structure and Law' [1976] 39 (3), *The Modern Law Review*, 287–310.

²⁵ E. T. Bristol-Alagbariya (n23).

²⁶ D. W. Pearce and R. K. Turner, *Economics of Natural Resources and the Environment* (The John Hopkins University Press, 1990); J. M. Harris and B. Roach, *Environmental and Natural Resource Economics: A Contemporary Approach* (Routledge 2017).

²⁷ UNEP (n9); *United Nations Environment Programme [UNEP], Environmental Assessment of Ogoniland* (UNEP, 2011); E. T. Bristol-Alagbariya, *Petroleum Development & the Environment in Rivers State Nigeria: Fallouts of the UNEP Report on Ogoniland, Environmental Regulatory Standards & Sustainable Development Laws & Practices* (LAP LAMBERT Academic Publishing, 2018/2020); O. Ihunwo, 'Review of UNEP Report on the Environmental Assessment of Ogoniland: Environmental Economics and Resource Management in Water Policy Making & Environmental Impact and Risk Assessment for the Society in Water and Coastal Management'

<https://www.researchgate.net/publication/323015407_Review_of_UNEP_Report_on_the_Environmental_Assessment_of_Ogoniland> Accessed 23 July, 2022.

²⁸ I. Gary and T. L. Karl, *Bottom of the Barrel: Africa's Oil Boom and the Poor* (Catholic Relief Services, 2003); D. A. Omoweh, *Shell Petroleum Development Company, The State and Underdevelopment of Nigeria's Niger Delta: A Study in Environmental Degradation* (Africa World Press, 2006); J. G. Frynas, *Oil in Nigeria: Conflict and Litigation between Oil Companies and Village Communities* (Lit Verlag, 2000); J. G. Frynas, *Oil in Nigeria: Community Rights and Corporate Dominance in Conflict* (Lit Verlag, 2000); D. C. Korten, *When Corporations Rule the World* (Kumarian Press, 2001).

²⁹ E. T. Bristol-Alagbariya (n23).

³⁰ International Institute for Environment and Development and WBCSD, *Breaking New Ground: Mining, Minerals and Sustainable Development: The Report of the MMSD Project* (Earthscan 2002); World Bank

energy and major natural resources EIOs are however governed in conformity with the identified international benchmarked (mainly soft law) norms, guidelines, standards and practices,³¹ which are designed to adequately govern these operations, they (EIOs) can contribute to GEG, poverty reduction and thus improvement of the welfare of citizens, as well as boost the overall wellbeing, advancement and SD in resource-rich developing countries, including contributing towards the attainment of relevant goals of the UN SD Goals (UNSDGs).³² Put differently, petroleum and other energy and major natural resources EIOs are advantageous when these operations are implemented well. That means, when extractive industrial projects are executed in a way that preserves the rights of members of the public who are directly affected by these projects, and when the benefits derived from the projects are well-utilized towards overall public good in a resource-rich country. In essence, if EIOs, such as petroleum resources development projects, are properly governed in conformity with international benchmarked norms, guidelines, standards and practices, these operations can contribute to GEG, poverty reduction and overall SD.³³

SD, associated with ‘sustainability’³⁴ (the ‘ability to continue or be continued for a long time’)³⁵ is essentially an ideal, which is being championed by EJ INGOs and NGOs, among

Group, ‘Striking a Better Balance – The World Bank Group and Extractive Industries: The Final Report of the Extractive Industries Review, World Bank Group Management Response’ <<http://documents.worldbank.org/curated/en/961241468781797388/pdf/300010GLB.pdf>>; The World Bank, ‘Extractive Industries’ <<https://www.worldbank.org/en/topic/extractiveindustries>> both Accessed 23 July, 2022; E. T. Bristol-Alagbariya (n5), 83–101, especially 100; E. T. Bristol-Alagbariya, ‘Law and Ethics: Ethics Associated with Energy Resources Development Operations Exemplified by Petroleum Development Operations in Nigeria’ [2020], 81, *International Affairs and Global Strategy*, 94–124; E. T. Bristol-Alagbariya (n23), xxxi, 2, 8–9, 11, 67, 79, 99 and 108.

³¹ E. T. Bristol-Alagbariya, ‘Sustainable Development: A Soft Law Concept Transforming SD-Oriented Initiatives of the UN System into Hard Law Instruments in UN Member-states and Promoting Partnerships around the Globe’ [2020], 94, *Journal of Law, Policy and Globalization*, 40–52; E. T. Bristol-Alagbariya, ‘IFC Environmental & Social Performance Standards: Soft Law Project & Company Financing Partnerships towards Good Environmental Governance, Business Sustainability and Sustainable Development in Developing Countries’ [2020], 81, *International Affairs and Global Strategy*, 51–68; J. B. Skjærseth *et al.*, ‘Soft Law, Hard Law, and Effective Implementation of International Environmental Norms’ [2006] 6 (3) *Global Environmental Politics*, 104–120.

³² E. T. Bristol-Alagbariya (n30), 112–113 and 115; E. T. Bristol-Alagbariya (n23), 96–97 and 105.

³³ International Institute for Environment and Development and WBCSD (n30); World Bank Group (n30); The World Bank, ‘Extractive Industries’ (n30); A. E. Bastida, *The Law and Governance of Mining and Minerals: A Global Perspective* (Hart Publishing, 2020); T. Addison and A. Roe (eds) (n42); Mining Policy Research Initiative (MPRI) and International Development Research Centre (IDRC), *Global Processes: Mining and Sustainable Development Series* (IDRC, 2004); E. T. Bristol-Alagbariya, ‘Duties in Permanent Sovereignty over Natural Wealth and Resources and Petroleum Development in Nigeria: Need to Domestic Benchmark International Standards and Practices in the Country’ [2019], 92, *Journal of Law, Policy and Globalization*, 95–107; E. T. Bristol-Alagbariya (n23), xxxiii–xxxv, 7–9, 19, 22–23, 25–26, 48, 58, 67–68, 79–80, 85, 89 and 94–106.

³⁴ Homepage of the Earth Charter Initiative (n11); F. Ekardt (Research Unit Sustainability and Climate Policy), ‘Theory of Sustainability’ <<http://www.sustainability-justice-climate.eu/en/nachhaltigkeit.html>>; W. Jenkins, ‘Sustainability Theory’ <https://www.berkshirepublishing.com/assets_news/sustainability/Spirit_SustainabilityTheory.pdf>; University of Alberta, Office of Sustainability, ‘What is Sustainability?’

others, around the world.³⁶ SD and sustainability require changes in unsustainable individual, community and corporate thinking and behavioural patterns, backed by government political will and its accompanying regulatory approaches.³⁷ Therefore, while making effort towards a common ground between SD approaches and EJ initiatives, governments of resource-rich countries and their citizens (including often poor, marginalized and neglected resource-rich communities), which are desirous of adequately addressing their environmental problems and challenges associated with adverse socio-economic developmental PPPs, must make certain definite choices, so as to achieve SD.³⁸ Based on international benchmarked (mainly soft law [UN and other international regulatory]) norms, guidelines, standards and practices³⁹ associated with petroleum and other EIOs, governments and resource-rich communities, of resource-rich developing countries should clearly reject certain costs (burdens, compromises and/or other forms of challenges) arising from the operations, in order to achieve, derive or realize substantial or optimal benefits towards SD.⁴⁰

<<https://www.mcgill.ca/sustainability/files/sustainability/what-is-sustainability.pdf> > all Accessed 23 July, 2022; J. Blewitt (n13); E. T. Bristol-Alagbariya (n13), 70–71.

³⁵ Oxford Learner's Dictionary of Academic English 'sustainability'

<<https://www.oxfordlearnersdictionaries.com/definition/english/sustainability?q=sustainability>> Accessed 23 July, 2022.

³⁶ UN Agenda 21, Chapter 27, captioned 'Strengthening the Role of Non-Governmental Organizations: Partners for Sustainable Development'; UN Sustainable Development Knowledge Platform (United Nations Department of Economic and Social Affairs), 'Non-Governmental Organizations'

<<https://sustainabledevelopment.un.org/ngos.html>>; International Institute for Sustainable Development (IISD), 'The Rise and Role of NGOs in Sustainable Development' <<https://www.iisd.org/business/ngo/roles.aspx>>; M. Blosser, 'The Role of NGOs in Sustainability' <<https://study.com/academy/lesson/the-role-of-ngos-in-sustainability.html> >; R. Pacheco-Vega, 'NGOs and Sustainable Development' [2010] International Encyclopaedia of Civil Society, 24–36 <https://link.springer.com/referenceworkentry/10.1007/978-0-387-93996-4_566> all Accessed 23 July, 2022; D. Lewis and N. Kanji, *Non-Governmental Organizations and Development* (Routledge, 2009); R. A. Dibia (ed), *Non-Governmental Organizations (NGOs) and Sustainable Development in Sub-Saharan Africa* (Lexington Books, 2007).

³⁷ WCED, (n11), 9; E. Fisher, 'Sustainable Development and Environmental Justice: Same Planet, Different Worlds?' [2003], 26 (2), *Environs*, 217; P. Bartelmus, *Sustaining Prosperity, Nature and Wellbeing; What Do the Indicators Tell Us?* (Routledge, 2018); Department of Environment, Food and Rural Affairs (DEFRA) UK, *Sustainable Development Indicators July 2013* (The National Archives/Sustainable Development Statistics, 2013); DEFRA UK, *Sustainable Development Indicators in Your Pocket 2009: An Update of the UK Government Strategy Indicators* (DEFRA, 2009); S. Bell and S. Morse, *Sustainability Indicators: Measuring the Immeasurable?* (Earthscan 2008); UN Department of Economic and Social Affairs (UNIDESA), *Indicators of Sustainable Development: Guidelines And Methodologies* (UN, 2008); H. Bossel, *Indicators for Sustainable Development: Theory, Method, Applications: A Report to the Balaton Group* (International Institute for SD, 1999).

³⁸ A. Ross, *Sustainable Development Law in the UK: From Rhetoric to Reality?* (Earthscan, 2012); L. Barrera-Hernandez et al. (n4); c/f Y. Omorogbe and A. O. Ordor (eds), *Ending Africa's Energy Deficit and the Law: Achieving Sustainable Energy for All* (Oxford University Press, 2018); M. K. Ghosh Roy, *Sustainable Development: Environment, Energy & Water Resources* (CRC Press, 2018); W. Visser, *The Top 50 Sustainability Books* (Routledge, 2017).

³⁹ E. T. Bristol-Alagbariya (n13), xxviii, 36, 48 and 98–99.

⁴⁰ E. Fisher, 'Sustainable Development and Environmental Justice: Same Planet, Different Worlds?' [2003], 26 (2), *Environs*, 202; homepage of the International Association of Oil & Gas Producers (IOGP) <<https://www.iogp.org/>>; homepage of International Petroleum Industry Environmental Conservation

This study therefore makes a case for how increasing activities of environmental NGOs may continue to sensitize governments, the private sector, citizens and citizen-groups on environmental stewardship, in the process of socio-economic developmental PPPs, towards greater environmental protection, wellbeing of humans and society at large in the oil-rich Niger Delta region, other oil producing and resource-rich areas of Nigeria as well as other resource-rich areas of developing countries,⁴¹ towards equitable SD.⁴²

EJ as an Increasingly Advancing Subject-Matter and a Framework for Civil Society Activism Worldwide

The introduction of this study has already given a background on EJ, in terms of what it means, is all about and how it evolved in the USA as a movement, whose historical background dates back to well over five centuries. This pinpoints EJ as a movement, which arose from poor, harmful and discriminatory environmental policies and practices occasioned by racism against black (African) American communities, and thereby linked EJ to the underprivileged and thus race, class, gender and social justice, so as to achieve a healthy and sustainable environment for all, towards sustainable communities within the USA and other countries and territories around the globe. The introduction also emphasizes that EJ advanced

Association (IPIECA) <<https://www.ipieca.org/>>; homepage of the IAIA (n6); homepage of the IAP2 (n6); homepage of the Society of Petroleum Engineers (SPE) <https://www.spe.org/en/> ; homepage of the UN Global Compact (n8); The World Bank, 'Extractive Industries' (n30); *C/f per His Majesty, King Edward Asimini William Dappa Pepple III, CON, JP, Amanyanabo of Ancient Grand Bonny Kingdom: It is my vision that the Kingdom experiences rapid, sustainable long-term growth, resulting in the emergence of a socially, economically and environmentally prosperous community with the highest quality of life*; homepage Bonny Kingdom Development Foundation <<http://www.bonnykingdomfoundation.org/>>; all Accessed 23 July, 2022; International Institute for Environment and Development and WBCSD (n30); L. Barrera-Hernandez *et al.* (n4).

⁴¹ R. Prescott-Allen (n9): Article 1, UN General Assembly (UNGA) Resolution 1803 (XVII) of 14 December, 1962, entitled 'Permanent Sovereignty over Natural Resources'; Article 2 (1) of the UN Charter on the Economic Rights and Duties of States (CERDS), adopted by the UNGA Resolution 3281 (XXIX) of 12 December 1974, Article 21 (1) of the African Charter on Human and Peoples' Rights (ACHPR/Banjul Charter), 1981, No.3 1983, Cap A9 Laws of the Federation of Nigeria (LFN) 2004; the Preamble and Section 14 (2) (b) of the 1999 Constitution of the Federal Republic of Nigeria (CFRN) (as amended; this section of the Constitution is captioned 'The Government and the People'; Section 16, 1999 CFRN (as amended), captioned 'Economic Objectives'; Section 17, 1999 CFRN (as amended), captioned 'Social Objectives'; M. Lessonoff (ed), *Social Contract Theory* (Basil Blackwell, 1990); *c/f* C. Achebe, *The Trouble with Nigeria* (Fourth Dimension Publishers, 1983), especially 1–3; Office of the UN High Commissioner for Human Rights (UN OHCHR), 'General Assembly Resolution 1803 (XVII) of 14 December, 1962, 'Permanent Sovereignty over Natural Resources' <<https://www.ohchr.org/EN/ProfessionalInterest/pages/NaturalResources.aspx>> Accessed 23 July, 2022; N. Schrijver, *Sovereignty over Natural Resources: Balancing Rights and Duties* (Cambridge University Press, 1997).

⁴² N. Mirovitskaya and W. Asher (eds), *Guide to Sustainable Development and Environmental Policy* (Duke University Press, 2001), 9 and 17; R. M. Auty, *Sustaining Development in Mineral Economies: The Resource Curse Thesis* (Routledge, 1993); T. Addison and A. Roe (eds), *Extractive Industries: The Management of Resources as a Driver of Sustainable Development* (Oxford University Press, 2018); J. Carew-Reid *et al.*, *Strategies for National Sustainable Development* (Earthscan, 2009); J. F. Sachs, *The Age of Sustainable Development* (University of Columbia Press, 2015); T. Jackson, *Prosperity without Growth?: The Transition to a Sustainable Economy* (Sustainable Development Commission, 2009); T. Jackson, *Prosperity without Growth: Economics for a Finite Planet* (Earthscan, 2011).

to other countries and parts of the world based on the peculiarities of local circumstances, albeit basically rooted in ensuring good health and general wellbeing of the natural world for present and future generations of humans and society at large. As such, the introduction of this study highlights that in Nigeria and other African countries, especially resource-rich developing countries, EJ is rooted in equitable distribution of environmental amenities, fair rectification and retribution of environmental abuses, restoration of nature and just and even-handed exchange of resources. This is particularly so in Nigeria, where EJ is centred on the need for public engagement as well as the stewardship of government and EIOs private sector, concerning petroleum development operations, towards environmentally-sound, ecologically-centred and socio-economically just and equitable SD in the oil-rich Niger Delta region, other oil producing areas of Nigeria and the entire Nigerian state.

Clearly, EJ as an increasingly advancing subject-matter and a framework for civil society activism worldwide. This is especially so in Nigeria regarding activism of NGOs over petroleum development operations in the oil-rich Niger Delta region and other oil producing areas of Nigeria, as well as over other EIOs in other resource-rich areas of Nigeria, which are exposed to monumental negative effects occasioned by these resources development operations in the country.

Topical Issues, Concerns and Exploratory Nature of EJ in Relation to Sustainable Development

Topical issues and concerns of EJ, which are embedded in the principles and component features of EJ,⁴³ include environmental or eco-racism (where minority groups are targeted for environmental injustice) and the prevalence of economic development at the expense or to the detriment of the wellbeing of the environment, which becomes a servant of socio-economic development (compromising the wellbeing of the environment in the course of socio-economic developmental PPPs).⁴⁴ This may be exemplified by a transitionally declining neighbourhood,⁴⁵ due to its 'low class' category of inhabitants or racial discrimination associated with its inhabitants, whereby economic benefits are the primary determinants of developmental PPPs occasioning environmental abuse and injustice on the inhabitants of the neighbourhood. Other EJ issues include access to natural resources,

⁴³ The 17 principles of EJ were drafted and adopted by delegates to the first National People of Color Environment Leadership summit, held in November 17, 1991, in Washington DC, USA, which principles have so far served as the cornerstone of EJ and its dynamic exploratory movement around the globe. The Kresge Foundation (P. Shepard: Co-Founder & Ex-Director, WE ACT for Environmental Justice), '30th Anniversary of 1st National People of Color Environmental Leadership Summit – looking back, looking forward, November 17, 2021' <<https://kresge.org/news-views/roundtable-30th-anniversary-of-1st-national-people-of-color-environmental-leadership-summit-looking-back-looking-forward/#:~:text=The%20Summit%20took%20place%20Oct,leaders%2C%20organizations%2C%20and%20collectives>>; Environmental Justice Alliance (EJA) (n12); University of Washington, 'Principles of Environmental Justice' <<https://uw.pressbooks.pub/climatejusticeandenergysolutions/chapter/principles-of-environmental-justice/>>; The Center for Biological Diversity, '17 Principles of Environmental Justice' <<https://www.biologicaldiversity.org/about/17-principles-of-environmental-justice.html>>; Conserve Energy Future, 'What is Environmental Justice?', all Accessed 23 July, 2022.

⁴⁴ E. T. Bristol-Alagbariya (n5), 140 and 153; A. Gilpin, *Dictionary of Environmental Law* (Edward Elgar, 2000), 97.

⁴⁵ B. A. McClenahan, 'Social Causes of Decline of Neighborhoods' [1942], 20 (4), *Social Forces*, 471–476.

environmental democracy (public participation in environmental decision-making and its associated access to information and access to justice), socio-political and economic marginalization arising from environmental neglect, abuse and lack of political power and socio-economic ability to influence inequitable distribution of environmental protection and preservation amenities.⁴⁶ Accordingly, there are such EJ issues as those concerning conservation and restoration of nature, which underscore the need to maintain the carrying capacity of our Planet (Mother Earth),⁴⁷ towards the wellbeing, security and very survival of the human family, natural resources and other life forms on the Planet.⁴⁸ Yet other EJ issues are those related to fair (equitable) distribution of environmental burdens and environmental benefits,⁴⁹ as well as the need for careful, prudent and efficient manner of addressing environmental pollution and other forms of environmental abuses, degradation, devastation and despoliation. These include those associated with EIOs and climate change and global warming,⁵⁰ occasioning depletion of the ozone layer in the atmosphere, adverse effects on aquatic and terrestrial environments and their respective ecosystems, ecosystem services, public health and all-embracing SD, so as to ensure a healthy natural world (Planet Earth), in the overall interest of present and future generations of humans, natural resources, other life forms and society at large.⁵¹

⁴⁶ Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, done at Aarhus, Denmark, on 25 June, 1998 (n6); area of the homepage of the European Commission captioned 'The Aarhus Convention' (n6); E. T. Bristol-Alagbariya and U. Etemire (n19), 20–53; E. T. Bristol-Alagbariya (n19), 53–74;

⁴⁷ F. R. Siegel, *The Earth's Human Carrying Capacity: Limitations Assessed, Solutions Proposed* (Springer Nature Switzerland AG, 2021); F. Pulselli and L. Coscieme (Encyclopedia of Quality of Life and Well-Being Research), 'Earth's Carrying Capacity' <https://link.springer.com/referenceworkentry/10.1007/978-94-007-0753-5_800> Accessed 23 July, 2022.

⁴⁸ WCED (n11), back cover review and ix–66; UN, 'Harmony with Nature: United Nations' <<http://www.harmonywithnatureun.org/>>; homepage of the Earth Charter Initiative (n11); both Accessed 23 July, 2022; P. Bartelmus, *Sustaining Prosperity, Nature and Wellbeing; What Do the Indicators Tell Us?* (Routledge, 2018); D. A. Munro, *Caring for the Earth: A Strategy for Sustainable Living (Union Internationale pour la Conservation de la Nature et de ses Ressources, Switzerland 1994)*; IUCN *et al.* (1980 [n13]); IUCN *et al.* (2009 [n13]); African Convention on the Conservation of Nature and Natural Resources (Algiers Convention [signed in 1968 in Algiers]) <https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf> Revised African Convention on the Conservation of Nature and Natural Resources (adopted 7 March, 2017, date of last signature, 4 February, 2019) <https://au.int/sites/default/files/treaties/7782-treaty-0029_-_revised_african_convention_on_the_conservation_of_nature_and_natural_resources_e.pdf>; UN, 'Harmony with Nature: United Nations' <<http://www.harmonywithnatureun.org/>>; all Accessed 23 July, 2022; IUCN Environmental Law Programme, *An Introduction to the African Convention on the Conservation of Nature and Natural Resources: IUCN Environmental Law and Policy Paper No. 56* (The World Conservation Union [IUCN] 2004); G. K. Meffe (Savannah River Ecology Laboratory, Universality of Georgia), 'Sustainability, Natural Law and the 'Real World'' The Georgia Right FORUM, 48–52.

⁴⁹ L. Barrera-Hernandez *et al* (eds), *Sharing the Costs and Benefits of Energy and Resources Activity: Legal Change and Impact on Communities* (Oxford University Press, 2016).

⁵⁰ V. Smil, *How the World Really Works: A Scientist's Guide to Our Past, Present and Future* (Viking [An Imprint of Penguin Books], 2022); A. Amini (ed), *Climate Change and Global Warming* (IntechOpen, 2019).

⁵¹ UNEP (n9); J. H. Knox and R. Pejan (eds), *The Human Right to a Healthy Environment* (Cambridge University Press, 2018).

Essentially, in African or other developing countries, where access to resources is paramount, EJ is associated with equitable distribution of environmental amenities, rectification and retribution of environmental abuses, restoration of nature, and fair and equitable exchange of resources.⁵² Consequently, in resource-rich developing countries, EJ involves undue imposition of environmental burdens on citizens and citizen-groups, such as the often poor, marginalized and neglected resource-rich communities of resource-rich developing countries, which are not parties to EIOs (embarked upon by extractive industries and host central governments) generating such burdens.⁵³ Fundamentally therefore, EJ is premised on equitable allocation or sharing of natural resources, the right not to suffer disproportionately from environmental policies, laws and regulatory practices, as well as classic access to environmental information coalesced with citizens' involvement in environmental decision-making and access to justice in environmental matters.⁵⁴ In resource-rich developing countries, EJ also involves the right to a healthy (i.e., a clean, safe and eco-balanced [non-harmful] environment and human wellbeing and all-embedded SD.⁵⁵ So, EJ is all about beneficial environment, within the context of development without destruction,⁵⁶ in resource-rich developing countries. It may also be emphasized that in resource-rich developing countries, EJ may be construed as environmental rights and socially-just and equitable environmental justice, which are designed against indiscriminate promotion, enhancement and/or achievement of SD.⁵⁷

However, it is important to note that EJ is being debated, discussed, examined and explored, academically and otherwise, due to its various but related descriptions, definitions, interpretations and activities, especially the activities of NGOs associated with it, as evidenced by certain lawsuits in resource-rich developing Nigerian state.⁵⁸ Remarkably, due

⁵² E. O. Ekhaton (n17), 65.

⁵³ *Ibid.*

⁵⁴ E. T. Bristol-Alagbariya and U. Etemire (n19); 20–53; E. T. Bristol-Alagbariya (19), 53–74; U. Etemire (n5); E. T. Bristol-Alagbariya (n5).

⁵⁵ E. O. Ekhaton (n17), 65.

⁵⁶ N. Schrijver, *Development without Destruction: The UN and Global Resource Management* (Indiana University Press, 2010); T. Jackson (2009 [n42]); T. Jackson (2011 [n42]).

⁵⁷ S. A. Atapattu *et al.* (eds), *The Cambridge Handbook of Environmental Justice and Sustainable Development* (Cambridge University Press, 2021); G. Kaufmann, *Environmental Justice and Sustainable Development: a Comparative Q Analysis in Brazil's Amazon Using Q Methodology* (Südwestdeutscher Verlag für Hochschulschriften, 2012).

⁵⁸ *Oronto Douglas v The Shell Petroleum Development Company of Nigeria Limited & 4 Ors* [1999] 2 NWLR (Pt. 591), 466–467; *Centre for Oil Pollution Watch v N. N. P. C.* [2019], 5 Nigerian Weekly Law Reports (NWLR), 519–601; *Gbemre (Jonah Gbemre) v The Shell Petroleum Development Company Nigeria Ltd. & 2 Ors* [2005] FHC/B/CS/53/05); K. S. A. Ebeku, 'Constitutional Right to a Healthy Environment and Human Rights Approaches to Environmental Protection in Nigeria: Gbemre v. Shell Revisited' [2007], 16 (3), *Review of European Community and International Environmental Law* (RECIEL), 312–320; C. Gonzalez, 'Environmental Justice, Human Rights, and the Global South' [2015], 13, *Santa Clara Journal of International Law*, 151–195; A. Sanni, 'Fundamental Rights Enforcement Procedure Rules, 2009 as a Tool for the Enforcement of the African Charter on Human and Peoples' Rights in Nigeria: The Need for far-Reaching Reform' [2011], 11 (2), *African Human Rights Law Journal*, 511–531; E. P. Amechi, 'Litigating Right to Healthy Environment in Nigeria: An Examination of the Impacts of the Fundamental Rights (Enforcement Procedure) Rules 2009, in Ensuring Access to Justice for Victims of Environmental Degradation' [2010], 6 (3), *Law, Environment and Development (LEAD) Journal*, 322–334.

to its increasingly advancing and exploratory nature, EJ is dynamically revolutionizing issues of environmental stewardship, to wit GEG (concerning public sector and private sector environmental governance), sustainable human wellbeing and overall SD in various nooks and crannies of the world.⁵⁹

Regarding the increasingly advancing and exploratory nature of EJ, it may be emphasized that the protection of the environment as a natural resource and reserve, especially for the benefit of all relying on the environment, is crucial and paramount in resource-rich developing countries like Nigeria.⁶⁰ For instance, humans, plants and animals (including wildlife), rely on the environment as a natural resource and reserve. The term ‘wildlife’ may be considered as referring to undomesticated animal species, but has come to include all organisms which grow or live wild in an area without being introduced, managed, organised or superintended over by humans.⁶¹

It is also pertinent to mention that concerns for the conservation and wellbeing of the natural environment is spurring EJ activists around the globe to protest against the exploitation of wildlife for the benefit of humans and other purposes.⁶² It may however be noted that some religions or religious sects consider certain animals as being sacred. Thus, even if such categories of animals may be considered wildlife, they are not so regarded by those who consider them as sacred animals. Accordingly, it is important to mention that EJ involves religious inclination to natural resources *vis-à-vis* the environment, as a natural resource and reserve in relation to permanent sovereignty over natural resources. An example in this regard is the Hindu devotional worship or ritual called ‘puja’ that is associated with the natural environment as a natural resource and reserve, and hence the elastic subject-matter of permanent sovereignty over natural resources and EJ.⁶³

EJ worldwide is associated with human rights (environmental human rights, otherwise called human rights approach to environmental protection) and thus considered as an aspect of human rights.⁶⁴ This is so because human rights are the basic, fundamental, indivisible, inter-

⁵⁹ UNEP (n9).

⁶⁰ E. J. Alagoa *et al.* (eds), *History Concourse 2011: The Niger Delta Environment as Resource and Reserve* (Onyoma Research Publications, 2012).

⁶¹ National Geographic Society, ‘Wildlife Conservation’

<<https://education.nationalgeographic.org/resource/wildlife-conservation>>; U.S. Department of Health & Human Services, Centers for Disease Control and Prevention, ‘Healthy Pets, Healthy People: Wildlife’ <<https://www.cdc.gov/healthypets/pets/wildlife.html>> both Accessed 23 July, 2022; Miles Kelly Publishing Ltd., *Encyclopedia of British Wildlife – Identification Guide for Kids* (Miles Kelly Publishing Ltd., 2019).

⁶² IUCN *et al.* (1980 [n13]); IUCN *et al.* (2009 [n13]); K. Hurst, *Wildlife Conservation and Management* (Larsen and Keller Education, 2017)); Baby Professor, *Wildlife Conservation as Done by Experts - Animal Book Age 10: Children's Animal Books* (Baby Professor, 2017).

⁶³ C. Armstrong, ‘Against “Permanent Sovereignty” Over Natural Resources’ [2014] *Politics Philosophy & Economics*, 1–37; Encyclopaedia Britannica, ‘Puja Hinduism’ <<https://www.britannica.com/topic/puja>>; Encyclopaedia Britannica, ‘Puja Hinduism’ <<https://www.britannica.com/topic/puja>> both Accessed 23 July, 2022; E. T. Bristol-Alagbariya (n3), 19.

⁶⁴ A. E. Boyle and M. R. Anderson (eds), *Human Rights Approaches to Environmental Protection* (Clarendon Press, 1998); S. Atapattu and A. Schapper, *Human Rights and the Environment* (Routledge, 2019); D. K. Anton and D. L. Shelton, *Environmental Protection and Human Rights* (Cambridge University Press, 2011); J. H. Knox and R. Pejan (eds) (n51).

twined or inter-connected, universal, inviolable, immutable and inalienable rights and freedoms, inherently belonging to each individual, by reason of the fact that the individual is human (a human being, belonging to the human family), contrary to which the life of the individual is meaningless. Therefore, efforts towards the achievement of EJ constitute an integral and crucial aspect of efforts towards proper protection and preservation of the environment, such that a healthy environment would contribute to healthy human livelihoods and generic human wellbeing.⁶⁵ As such, adequate protection of the environment requires sound and prudent measures of conservation, preservation of ecology, ecosystems and ecosystem services, so as to promote, support and sustain the carrying capacity of the Earth, towards the wellbeing of the present and future humans. Certainly, as aspects of ongoing efforts towards SD, EJ activities are designed to preserve and/or safeguard the vitality, diversity and productivity of natural resources and overall nature (variety of other forms of life) on our Planet.⁶⁶

In its dynamic exploratory nature, EJ promotes active and proactive protection of the environment, towards poverty reduction and poverty elimination, inequality in society and other aspects of environmental human rights and environmental justice towards the promotion, enhancement and/or achievement of environmentally-sound, ecologically-centred and socio-economically just and equitable SD in various areas, nooks and crannies of the world.⁶⁷

The World Commission on Environment and Development (WCED), otherwise called the Brundtland Commission (given that it was chaired by the former Norwegian Prime Minister and former Director-General of the World Health Organisation [WHO]), Dr Gro Harlem Brundtland) gives a classic definition of SD in the following words:

the development which meets the needs of the present generation without compromising the ability of future generations to meet their own needs.⁶⁸

The WCED was established by the UN, on account of the UNGA Resolution 38/161 of 19th December, 1983 (after the UN Conference on the Human Environment [UNCHE]), 1972) as an independent body, to make available a report on environment and the global *problématique* to the year 2000 and beyond, including proposed strategies for SD. Accordingly, the Earth Charter Initiative (which espouses the values and principles for building a more just, sustainable and peaceful world), highlights that SD expands our vision towards greater ethical principles and practices.⁶⁹ This Charter is an international declaration of fundamental values and principles, having its constituent global movement of organisations and individuals that embrace the declaration for building vision, attitude,

⁶⁵ UNEP (n9).

⁶⁶ D. Schlosberg (n1).

⁶⁷ *Ibid*; R. Prescott-Allen (n9):UNEP (n9).

⁶⁸ WCED (n11), 8, 40 and 43.

⁶⁹ Homepage of the Earth Charter Initiative (n11); The Earth Charter, 'Earth Charter Education' <<https://earthcharter.org>> both Accessed 23 July, 2022.

knowledge, wisdom, skills and values needed to achieve a more just, equitable, harmonious, sustainable and peaceful global society.⁷⁰

By and large, the case for SD proposed and recommended by the WCED implies that sovereign states (countries), government, business, individuals, civil society organisations and all other sectors of society are required to note that if they put the environment first, development would last by being sustainable.⁷¹ Chiefly, the WCED recommends that in the final analysis, SD must rest on political will. The Commission thereby put the primary onus of achieving SD on sovereign states (countries and nations) of the world.⁷²

It is also pertinent to state at this juncture that SD has its aspects, concepts, principles, goals and indicators.⁷³ The component aspects or features of SD are mainly its economic, social, environment and governance pillars, as well as its ecological and cultural spheres. Among these, the governance aspect of SD, namely good public sector governance (good political leadership [GG]), is very crucial, key, compelling and most inevitable. GG and SD are thus considered to be indivisible, given that SD cannot be achieved without GG.⁷⁴

Therefore, based on its topical issues, concerns and exploratory nature, EJ may be described as a dynamically advancing subject-matter, which is promoting prudent protection and efficient management of the environment, improved human wellbeing and overall SD, in the course of developmental PPPs of EIOs worldwide, especially in resource-rich developing countries like Nigeria, which are plagued by the resource curse.⁷⁵ Due to its dynamically

⁷⁰ *Ibid*; P. B. Corcoran (ed) (n11); UN Association of Australia (UNAA) (n11).

⁷¹ WCED (n11), ix–66, particularly back cover review and 1–2; E. T. Bristol-Alagbariya (n23), 15, 17 and 75–76; E. T. Bristol-Alagbariya, *Governance Towards Sustainable Development in Nigeria: The Role of Strategic Assessment of Decisions & Actions* (CEPMLP/DUP, 2013), 14 and 63; G. Ayre and R. Callway, *Governance for Sustainable Development: A Foundation for the Future* (Routledge, 2002); A. A. Mekonin, *Sustainable Development Law: the Path to Sustainable Peace* (LAP LAMBERT Academic Publishing, 2013).

⁷² WCED (n11), 9; United Nations Sustainable Development: United Nations Conference on Environment & Development Rio de Janeiro, Brazil, 3 to 14 June 1992 AGENDA 21' <<https://sustainabledevelopment.un.org/content/documents/Agenda21.pdf>> Accessed 23 July, 2022; Federal Environmental Protection Agency (FEPA), Nigeria's National Agenda 21 (FEPA, 1999).

⁷³ Department of Environment, Food and Rural Affairs (DEFRA) UK, *Sustainable Development Indicators July 2013* (The National Archives/Sustainable Development Statistics, 2013); S. Bell and S. Morse, *Sustainability Indicators: Measuring the Immeasurable?* (Earthscan, 2008); UN Department on Economic and Social Affairs (UNDESA), *Indicators of Sustainable Development: Guidelines and Methodologies* (UN, 2007).

⁷⁴ WCED, (n11), 9; UN, 'Meetings Coverage and Press Releases: Good Governance Essential to Development, Prosperity, Peace, Secretary-General Tells International Conference, Press Release SG/SM/6291/DEV/2166' <<https://www.un.org/press/en/1997/19970728.SGSM6291.html>>; D. Kaufmann *et al*, 'The Worldwide Governance Indicators: Methodology and Analytical Issues' [2010] *Global Economy and Development*, *Brookings Institution*, <https://www.brookings.edu/wp-content/uploads/2016/06/09_wgi_kaufmann.pdf> both Accessed 23 July, 2022; K. Ginther *et al.* (eds), *Sustainable Development and Good Governance* (Martinus Nijhoff, 1995); T. G. Weiss, 'Governance, Good Governance and Global Governance: Conceptual and Actual Challenges' [2000], 21(5), *Third World Quarterly*, 795; E. T. Bristol-Alagbariya (n71); G. Ayre and R. Callway (n71).

⁷⁵ N. Mirovitskaya and W. Asher (eds) (n42); R. M. Auty (n42); R. M. Auty and H. Furlonge, *The Rent Curse: Natural Resources, Policy Choice, and Economic Development* (Oxford University Press, 2019); P. J. Stevens,

advancing and exploratory nature, EJ propagates the sacredness of our Mother Earth, ecological unity, interdependence of all species and the right for these species to be free from ecological destruction, without compromising the overall interest of the present and future generations, and so, in the interest of a sustainable Planet for humans and other living things, to wit, society at large within and around the entire globe, in compliance with international benchmarked norms, guidelines, standards and practices.⁷⁶

NGOs and EJ in Nigeria: The Case of EJ Associated with Adverse Consequences of Petroleum Development in the Oil-Rich Delta Region

This aspect of the study would be divided into two. These are namely (i) International Non-Governmental Organisations (INGOs) and EJ movement *vis-à-vis* organisations in Nigeria, and (ii) EJ in Nigeria with particular regard to EJ associated with adverse effects of petroleum development in the oil-rich ethnic minority Delta region.

INGOs and EJ Organisations in Nigeria

This sub-heading of the study is basically designed to give a brief account of how the existence of international EJ movement (i.e., INGOs), mainly within the advanced international community, led to the emergence and continuing existence of the EJ movement (EJ NGOs) within various developing countries, such as Nigeria.

Obviously, the subject-matter of twin or intertwined relationship of the environment and development has since been progressively championed by the UN, from the commencement of the various conferences of the UN in this regard towards SD. These conferences are essentially the UN Stockholm, Rio de Janeiro, Johannesburg, Rio de Janeiro and Lisbon conferences (put otherwise, the UN SRJRL process) on the environment and development, which are designed to achieve SD.⁷⁷ The UN SRJRL process refers to the UN Conference on

'The Resource Curse Revisited Appendix: A Literature Review' [2015], *The Royal Institute of International Affairs*, 1–42; F. van der Ploeg, 'Natural Resources: Curse Or Blessing?' [2011], 49 (2), *Journal of Economic Literature*, 366–420; W. Ascher, *Why Governments Waste Natural Resources: Policy Failures in Developing Countries* (John Hopkins University Press, 1999); R. Hannesson, *Investing for Sustainability: The Management of Mineral Wealth* (Kluwer, 2001); K. Omeje, 'The Rentier State: Oil-related Legislation and Conflict in the Niger Delta, Nigeria [2007], 6 (2), *Conflict, Security & Development*, 211–230; K. Omeje (ed), *Extractive Economies and Conflicts in the Global South: Multi-Regional Perspectives on Rentier Politics* (Ashgate Publishing, 2008); E. Rutledge, 'Oil Rent, the Rentier State/Resource Curse Narrative and the GCC Countries' [2017], 41 (2), *Organization of Petroleum Exporting Countries (OPEC) Energy Review*, 132–152; E. T. Bristol-Alagbariya (n23), xxx–xxx, xxxiii–xxxv, 10–11, 22, 24, 67–68, 82–83, 88, 90, 93–95, 97 and 101–110; J. Chen (Investopedia), 'Dutch Disease' <<https://www.investopedia.com/terms/d/dutchdisease.asp>> Accessed 23 July, 2022.

⁷⁶ The Kresge Foundation (P. Shepard: Co-Founder & Ex-Director, WE ACT for Environmental Justice), '30th Anniversary of 1st National People of Color Environmental Leadership Summit – looking back, looking forward, November 17, 2021' (n43); The Center for Biological Diversity (n43); US Department of Energy (Office of Legacy Management), 'Environmental Justice' (n2); ScienceDirect, 'Environmental Justice' (n2); D. Schlosberg (n1); C. Villa *et al.* (n5).

⁷⁷ E. T. Bristol-Alagbariya (n3), 27–29, 46–47 and 122–123; E. T. Bristol-Alagbariya (n13), 73–75; A. C. Kallhauge *et al.*, (eds), *Global Challenges: Furthering the Multilateral Process for Sustainable Development* (Greenleaf Publishing, 2005), 16–30; A. C. Kallhauge *et al.*, (eds), *Global Challenges: Furthering the*

the Human Environment (UNCHE), held in Stockholm, Sweden, in 1972 (following which the assembly of the world community took place in Nairobi, Kenya, in 1982, when the UN Nairobi Declaration of 1982 was reached); UN Conference on Environment and Development (UNCED), held at Rio de Janeiro, Brazil, in 1992; the World Summit on SD (WSSD), held at Johannesburg, South Africa, in 2002; the UN Conference on Sustainable Development (UNCSD), held again at Rio de Janeiro, in 2012; and the UN Ocean Conference, held at Lisbon, Portugal, in 2022 (which was preceded by the UNEP Stockholm+50 that was held at Stockholm, Sweden, from 2-3 June, 2022, in commemoration of the 50th anniversary of UNCHE). These UN Conferences may be considered along with their outcomes and dynamically advancing processes in member-states of the UN and territories around the world, so as to achieve SD.⁷⁸ Consequently, various norms, guidelines, standards and practices on how to adequately protect the environment, in terms of efficiently addressing environmental problems and challenges in the course of socio-economic development, in order to promote and achieve SD, to wit a fairer, greater humane, harmonious, prosperous, sustainable and more peaceful world, are traceable to the UN system, and thus efforts of member-states of the UN, as well as those of INGOs and NGOs.

In order to promote and achieve SD around the world, citizens and citizen-groups (civil society groups), such as INGOs and their affiliate and other NGOs within sovereign states and territories around the world have been very active and helpful, as movements of positive change in terms of the protection and wellbeing of the environment and society at large on our Planet.⁷⁹ In particular, INGOs are known to have been encouraging and supporting NGOs within sovereign states and territories around the world, especially in developing countries, to be actively engaged on environmental protection activities, so as to promote and achieve SD in their respective localities. For example in Nigeria, such forms of support and encouragement led to the formation, continuing existence and survival of environmental NGOs as (i) Greenpeace Africa,⁸⁰ from Greenpeace International; (ii) Environmental Rights Action (Friends of the Earth [FoE] Nigeria), from FoE International; (iii) World Rainforest Movement Africa and World Rainforest Movement Nigeria, from the World Rainforest Movement (International); (iv) the Association for Environmental Impact Assessment of Nigeria (AEIAN) from the International Association for Impact Assessment (IAIA)⁸¹; (v) Human Rights Watch Nigeria, from Human Rights Watch (International)⁸² and Human

Multilateral Process for Sustainable Development (Routledge, 2017); E. T. Bristol-Alagbariya (n5), 49–51, 70–71, 75 and 317.

⁷⁸ E. T. Bristol-Alagbariya (n3), 27–29 and back cover preview; UNEP, Stockholm + 50, ‘Stockholm+50 Agenda for Action, Renewal and Trust - Outputs and Outcomes’ <https://www.stockholm50.global/>; UN ‘UN Ocean Conference, Altice Arena, Lisbon, Portugal, 27 Jun - 1 Jul 2022’

<<https://www.un.org/en/conferences/ocean2022/>>; UN Department of Economic and Social Affairs (DESA), ‘Sustainable Development Goals’ <<https://sdgs.un.org/goals>>both Accessed 24 July, 2022.

⁷⁹ E. Sampedro, *Mother Earth Needs Our Help!* (Trafford Publishing, 2010); S. Kulsange and R. Kamble, *Environmental NGO's: Sustainability Stewardship* (LAP Lambert Academic Publishing, 2019); W. Kaiser and J. Meyer (eds), *International Organizations and Environmental Protection: Conservation and Globalization in the Twentieth Century* (Berghahn Books Inc., 2016).

⁸⁰ Homepage of Greenpeace Africa <<https://www.greenpeace.org/africa/en/>> Accessed 24 July, 2022.

⁸¹ Homepage of the IAIA (n6).

⁸² Homepage of Human Rights Watch <<https://www.hrw.org/>> Accessed 24 July, 2022.

Rights Watch (Africa); and (vi) Amnesty International Nigeria, from Amnesty International,⁸³ as well as a host of other core EJ and generic environmental protection (environmental conservation-inclined) NGOs, which include environmental human rights protection-inclined NGOs, in Nigeria.⁸⁴

From the foregoing, it is obvious that EJ movement is global, which was introduced from the international arena into regions and countries around the world like Nigeria. Hence, most associations or groups of Nigeria's EJ movement are either affiliates or being supported, especially in terms of funding, by EJ groups within the advanced international community (EJ INGOs), where environmental democracy, along with citizens' participation (engagement) in decision-making and decision-implementation processes, have greatly advanced to enhance the overall wellbeing of society.⁸⁵

Environmental Justice in Nigeria: Spotlight on EJ Associated with Adverse Effects of Petroleum Development in the Oil-Rich Delta Region

There are many core EJ and partially EJ-inclined NGOs in Nigeria, which are led by environmentally public spirited individuals in the country, some of whose activities are prominent in the oil-rich ethnic minority Niger Delta region and other oil producing areas of Nigeria, due to adverse effects of petroleum development in the oil producing areas of the country. Core EJ NGOs in Nigeria include Greenpeace Africa, Environmental Rights Action (FoE Nigeria), World Rainforest Movement (Nigeria), AEIAN, Association of Environmental Lawyers of Nigeria (AELN),⁸⁶ the Nigerian Conservation Foundation⁸⁷ and Nigerian Environmental Society.⁸⁸ Some partially EJ-inclined NGOs in Nigeria include the Human Rights Watch Nigeria,⁸⁹ Centre for Economic and Social Rights (CESR),⁹⁰ Social and Economic Rights Action Centre (SERAC),⁹¹ Socio-Economic and Accountability Project (SERAP) Nigeria,⁹² and Amnesty International (Nigeria),⁹³ among a host of others.

The adverse effects of petroleum EIOs, which are mainly the costs (burdens), paradoxes and challenges of petroleum EIOs in the oil-rich ethnic minority Delta region and other oil

⁸³ Homepage of Amnesty International <<https://www.amnesty.org/en/>> Accessed 24 July, 2022.

⁸⁴ Homepage of the Institute for African Women in Law (IAWL) <https://www.africanwomeninlaw.com/>; E. Ekhatior, 'Women and Access to Environmental Justice in Nigeria', <<https://www.africanwomeninlaw.com/post/women-and-access-to-environmental-justice-in-nigeria>>; homepage of FIDA <<https://fida.org.ng/>> all Accessed 24 July, 2022; IUCN *et al.* (1980 [n13]); IUCN *et al.* (2009 [n13]); E. T. Bristol-Alagbariya, (n27), 13; O. Douglas and I. Okonta, *Where Vultures Feast: Shell, Human Rights, and Oil in the Niger Delta* (Sierra Club, 2001).

⁸⁵ Homepage of the IAIA (n6); homepage of the IAP2 (n6); IAP2 'IAP2 Spectrum of Public Participation' (n6).

⁸⁶ Homepage of AELN <<https://www.environmentallawyersng.org/>> Accessed 24 July, 2022.

⁸⁷ Homepage of the Nigerian Conservation Foundation <<https://www.ncfnigeria.org/>> Accessed 24 July, 2022.

⁸⁸ Homepage of the Nigerian Environmental Society <<https://www.nes.org.ng/>> Accessed 24 July, 2022.

⁸⁹ Homepage of Human Rights Watch Nigeria <<https://www.hrw.org/africa/nigeria>> Accessed 24 July, 2022.

⁹⁰ Homepage of CESR <<https://www.cesr.org/>> Accessed 24 July, 2022.

⁹¹ SERAC-Net <<https://www.esr-net.org/member/social-and-economic-rights-action-centre-serac>> Accessed 24 July, 2022.

⁹² SERAP Nigeria <<https://serap-nigeria.org/>> Accessed 24 July, 2022.

⁹³ Homepage of Amnesty International (Nigeria) <<https://www.amnesty.org/en/location/africa/west-and-central-africa/nigeria/>> Accessed 24 July, 2022.

producing areas of Nigeria, may be categorized into environmental, socio-economic and political consequences. These adverse consequences include negative health impacts, human rights abuses and violations, oil pollution, degradation, devastation and despoliation of the environment, ecology, ecosystems and deterioration of ecosystem services. Others are the paradox of poverty and misery in the midst of plenty, lack of genuine public engagement (public participation), ineffective environmental impact assessment (EIA), lack of life-cycle environmental assessment and absence of institutionalized strategic environmental assessment (SEA), lack of just and equitable impact-benefits and impact-benefits agreements (IBAs) or other forms of Good Neighbour Agreements (against the backdrop of the prevailing regime of various forms of memorandum of understanding (MoU) between oil companies and oil producing communities, which are causing misunderstanding, confusion and crises in the communities. There are also issues of bad public sector governance, especially bad environmental governance, and lack of corporate environmental, socio-economic and other allied forms of stewardship. These and other adverse effects of petroleum EIOs are undermining the wellbeing of the oil-rich communities, citizens and future generations of the communities, such that there are violent conflicts aggravated by youth restiveness and insurgency, as well as insecurity of lives and property arising from the crises in the oil-rich communities of the ethnic minority oil-rich Delta region and other oil producing areas of Nigeria.⁹⁴

Historically, the activism, activeness or agitation of the ethnic minorities of the Niger Delta region to participate in their own affairs *vis-à-vis* the right to be heard in their own affairs, towards the wellbeing of the people and communities of the region is traceable to historic agitation, resistance and resistance movements of the leaders and people of the region, which dates back to the British colonial era. Such agitation of the leaders and people of the Niger Delta region to genuinely participate in their own communal and/or other forms of internal affairs, include the resistance of pre-colonial Niger Delta Monarchs against the attitude and actions of imperialist Great Britain and eventually the British colonial government in the Niger Delta and the eventual reactions of imperial Great Britain against such Monarchs like King Dappa Pepple of Bonny in 1854, King Jaja of Opobo in 1887, Nana Olomu of Itsekiri in 1894, Koko of Nembe (Brass) in 1895, and Oba Overanwen of Benin in 1897.⁹⁵ Other historic resistance movements of the ethnic minority Niger Delta people during the British colonial era included such mass protests as the Akassa Raid of 1895 spearheaded by King

⁹⁴ E. T. Bristol-Alagbariya (n23), particularly 59–74; E. T. Bristol-Alagbariya (n5), especially 3–26 and 317–337; A. Ogbuigwe, *Offended: Legal Issues in the Niger Delta Struggle* (Anpez Centre for Environment and Development, 1999), especially 3–26; A. Ogbuigwe, *Legal Issues in the Niger Delta Resource Dilemma: A Collection of Essays* (Anpez Centre for Environment and Development, 2018), particularly 2–43 and 187–193; I. Gary and T. L. Karl, *Bottom of the Barrel: Africa's Oil Boom and the Poor* (Catholic Relief Services, 2003); I. Okonta, *When Citizens Revolt: Nigerian Elites, Big Oil and the Ogoni Struggle for Self-Determination* (Africa World Press, 2008); T. Tamuno, *Oil Wars in the Niger Delta 1849–2009* (Stirling-Horden Publishers, 2011); M. Watts (eds), *Curse of the Black Gold: 50 Years of Oil in The Niger Delta* (powerHouse [pH]Books, 2010); I. Bannon and P. Collier (eds), *Natural Resources and Violent Conflict: Options and Actions* (The World Bank, 2003); A. Gillies, *Crude Intentions: How Oil Corruption Contaminates the World* (Oxford University Press, 2020); D. C. Korten, *When Corporations Rule the World* (Kumarian Press, 2001).

⁹⁵ E. T. Bristol-Alagbariya (n27), 33–35; E. T. Bristol-Alagbariya (n5), 3 and 318.

Koko, and the Women's riot at Igwenga (popularly called the Aba Women's riot) of 1929. During the Nigerian regional era, from 1939 to 1967, when the oppressive and repressive will of the three major ethnic groups reigned supreme, resistance movements of ethnic minorities of the Delta region against the policies, programmes and other actions and activities of the Eastern regional government included resistance movement regarding the right of the people to be heard in the Eastern region, which led to the formation of the Cross-River-Ogoja state movement, led by the Hon. Justice Udo Udoma, and the movement for the creation of Rivers state, led by the Rivers Chiefs and Peoples Conference. There was also the Eastern regional ethnic minority political party known as the Niger Delta Congress established by Chief H. J. R. Dappa-Biriye, which was similar to the Middle-Belt Congress of the Northern ethnic minority Middle-Belt area (formed and led by Joseph Tarka), and then the Isaac Adaka Boro's 12-Day Niger Delta revolution of 1966.⁹⁶ Thereafter, due to adverse effects of petroleum EIOs in the oil-rich ethnic minority communities of the Delta region, dominant resistance movements that emerged in the region from about the 1990s included the Movement for the Survival of the Ogoni People (MOSOP).⁹⁷ Ongoing umbrella resistance movement tagged the 'resource-control movement' – a name coined from the deliberations and networks of Southern Nigeria Governors – has become the order of the day in the Niger Delta region. So, the oil-rich ethnic minority Delta region's umbrella resource control movement and other forms of agitation, cries and yearnings for EJ, premised on the need for a healthy environment, environmental democracy and resource control (for economic sovereignty, poverty alleviation, greater, socially justifiable and equitable impact-benefits) in the region, in the course of petroleum EIOs in the oil-rich communities of the region, are related, connected or interwoven. Also, some of the Delta region's civil society groups, made up of militant youngsters, formed various militant movements, which include the Niger Delta People's Volunteer Force, Niger Delta Liberation Front, Movement for the Emancipation of the Niger Delta, Niger Delta Vigilante and the Bakassi Movement for Self-Determination, due to the adverse environmental and other heinous negative consequences of petroleum EIOs in the communities of the region. These movements generated declarations, demands and other related pronouncements on the way forward, which include the following: The Ogoni Bill of Rights of 1990, the Kaiama Declaration of 1998, the Resolution of the First Urhobo Economic Summit, the Warri Accord, the Aklaka Declaration of the Egi People, the Oron Bill of Rights, the Demand of the First Niger Delta Indigenous Women's Conference for Women of Bayelsa State, the Declaration of the Ikwerre Rescue Charter, the Declaration of the Niger Delta Bill of Rights, and other related declarations, pronouncements and demands of other community-based groups of the region.⁹⁸ Such other community-based groups include the Association of *Duawaris* (Founding and Aboriginal Royal Houses) of Grand Bonny Kingdom.⁹⁹

⁹⁶ A. Etekpe *et al.*, *Harold Dappa-Biriye: His Contributions to Politics in Nigeria* (Onyoma Research Publications, 2003), especially 21–80.

⁹⁷ Homepage of MOSOP <<http://www.mosop.org/>> Accessed 24 July, 2022.

⁹⁸ E. T. Bristol-Alagbariya (n27), 33–35; E. T. Bristol-Alagbariya (n5), 3 and 318.

⁹⁹ Association of *Duawaris* - Founding and Aboriginal Royal Houses - of Grand Bonny Kingdom, representing the Founding Ancestors/Generation of the Kingdom, with Corporate Affairs Commission (CAC) of Nigeria Registration Certificate Number CAC/IT/No. 100619, dated 13 September, 2017.

EJ activism, led by activist EJ NGOs in the oil-rich ethnic minority Niger Delta region, are thus making the following and other related commendable efforts. These efforts include, canvassing the need for improvement of environmental protection measures, towards a healthy environment, classic natural resources conservation measures and overall SD in Nigeria, particularly in oil-rich Delta region and other oil producing areas of the country. Activist EJ NGOs are also sensitizing and educating citizens, citizen-groups and the general public, in a way that contributes to environmental planning, environmental policy-making and law-making, as well as implementation of environmental policy measures, laws and regulatory practices, in the course of petroleum development projects in the Delta region and other oil producing areas towards SD in Nigeria.¹⁰⁰ Accordingly, EJ movement, led by activist EJ NGOs in Nigeria, are promoting and instituting government administrative actions towards the wellbeing of the environment and SD, particularly concerning petroleum development EIOs operations in the Delta region and other oil producing areas of the country. Some groups or associations of Nigeria's EJ movement are also instituting and promoting the institution of domestic and international lawsuits concerning government and corporate environmental and other forms of SD-oriented stewardship¹⁰¹ in the Delta region and beyond, in the interest of affected citizens and citizen-groups like poor, neglected and marginalized local resource-rich communities.¹⁰²

The foregoing efforts of activist EJ NGOs are premised on international benchmarked norms, guidelines, standards and practices on petroleum and other energy and major natural resources EIOs, towards SD in Nigeria. For instance, concerning embarking on lawsuits, in the case of *Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights (CESR) v Nigeria* (otherwise called *The Social and Economic Rights Case* (2001), the African Commission, having its headquarters in Banjul, Gambia, held that Nigeria's federal government was in breach of its obligations under the African Charter on Human and Peoples' Rights (ACHPR), by aligning with the Shell Petroleum Development Company of Nigeria Limited (SPDC/Shell Nigeria) to violate the social and economic rights of the Ogoni people.¹⁰³ Besides, EJ movement in Nigeria, led by vibrant and activist EJ

¹⁰⁰ C/f M. B. Gerrard and S. R. Foster (eds) (n5); A. Harley and E. Scandrett (eds) (n5); C. Villa *et al.* (n5); E. T. Bristol-Alagbariya (n3).

¹⁰¹ W. Visser, *Business Frontiers: Social Responsibility, Sustainable Development and Economic Justice* (ICFAI University Press, 2006/2012); W. Visser *et al.* (eds), *Corporate Citizenship in Africa: Lessons from the Past, Paths to the Future* (Routledge, 2017); W. Visser *et al.*, *The A to Z of Corporate Social Responsibility* (John Wiley & Sons, 2010); UN Global Compact, 'Who are We: Business as a force for good' (n8); homepage of the WBCSD (n8); E. T. Bristol-Alagbariya, 'The COVID-19 Pandemic Era: Flashlight on the Challenges and Opportunities of Environmental Democracy in Nigeria's EIA Process' [2021], 9 (1), *Global Journal of Politics and Law Research*, 23–38; E. T. Bristol-Alagbariya, 'The UN Global Compact as a Soft Law Business Regulatory Mechanism Advancing Corporate Responsibility towards Business Sustainability and Sustainable Development Worldwide' [2020], 94, *Journal of Law, Policy and Globalization*, 27–39.

¹⁰² E. T. Bristol-Alagbariya (n23), xxiv–xv, 4, 14, 20, 22–23, 36–37, 48–49, 57–58, 67–68, 70–73, 79–80, 85, 89, 96–97, 99–100, 104–105 and 107–108.

¹⁰³ *Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights (CESR) v Nigeria (The Social and Economic Rights Case)* Communication 155/96 [2001] ACHPR 60 (15th Annual Activity Report).

NGOs, are liaising with their parent and associate international organisations and other international NGOs¹⁰⁴ to canvass and lobby government functionaries, institutions and extractive industries in Nigerias, to promote environmental protection, conservation and other SD-oriented measures associated with EIOs, particularly petroleum EIOs in the oil-rich Delta region. These and other progressive efforts of EJ NGOs in Nigeria, led by environmentally-inclined and generic public-spirited NGOs, which are operating in the oil-rich Delta region and beyond, are directly or indirectly associated with addressing monstrous adverse effects of petroleum development EIOs in the Delta region, towards environmentally-sound, ecologically-centred and socio-economically just and equitable SD in the region, other oil producing areas of Nigeria, and overall SD in the country.¹⁰⁵

CONCLUSION AND RECOMMENDATIONS

So far, this socio-legal form of non-doctrinal study has discussed EJ from the background of its origin and increasingly advancing and exploratory nature, as a framework for civil society activism, being principally championed by EJ INGOs and EJ NGOs, among others, around the world, so as to achieve EJ. As grassroots movements, EJ-inclined INGOs and EJ-based NGOs embark on EJ activities. Hence, topical issues of EJ, such as the principles, component features and other concerns of EJ in relation to the wellbeing of the environment towards all-inclusive SD establish that EJ is an increasingly advancing and exploratory subject, as well as a social movement, which is championed worldwide by EJ-inclined INGOs and EJ-based NGOs.

The study is mainly premised on EJ towards prudent protection and efficient management of the environment in the course of socio-economic developmental PPPs, namely petroleum and other energy and major natural resources EIOs, in resource-rich developing countries like Nigeria, which are suffering from the resource curse. In the process, the study gave a background on EJ, in terms of what it means, is all about and how it evolved in the USA as a movement, whose historical origin dates back to well over five centuries and increasingly became prominent in the country, from the 1960s to the early 1980s especially. This background underscores EJ as a globalized movement, which arose due to poor, harmful and discriminatory environmental policies and practices that occasioned racism against black (African) American communities, and thereby linked EJ to the underprivileged and thus race, class, gender and social justice, so as to achieve a healthy and sustainable environment for all, towards sustainable communities within the USA and other countries and territories around the world. The study emphasizes that EJ so advanced based on the peculiarities of local circumstances within each global region and each country, albeit basically rooted in ensuring

¹⁰⁴ Goal 17, UNSDGs, captioned 'Partnerships for the Goals, which is designed to strengthen the means of implementation and revitalize the global partnership for SD; L. S. Berlie, *Alliances for Sustainable Development: Business and NGO Partnerships* (Palgrave Macmillan, 2009); E. Knowles and J. Materu, *Partnerships for Sustainable Development North-South Cooperation within the Framework of Local Agenda 21 Africa* (World Secretariat, The Hague, 1999).

¹⁰⁵ J. F. Sachs (n42); E. T. Bristol-Alagbariya (n23); F. T. Nyiwo, *Environmental Justice: Pathways to Environmental Protection in Nigeria: Gaining From the American Experience* (CreateSpace Independent Publishing Platform, 2015).

good health and general wellbeing of the natural world for present and future generations of humans and society at large. Hence, regardless of the globalized framework of EJ, whereas in African countries EJ emphasizes fair, equitable and socially justifiable access to natural resources towards human wellbeing, in the UK and USA its emphasis is on maintaining the wellbeing of the Planet (Mother Earth) through genuine public engagement in the course of socio-economic developmental PPPs, towards good environmental decision-making and decision-implementation processes and overall GEG, so as to achieve all-embracing SD.

By and large, the study emphasizes that the progressively advancing subject, social movement and practice of EJ requires fair treatment and meaningful involvement of all in the development, management, implementation and enforcement of socio-economic developmental PPPs, as well as indiscriminate exposure of all to environmental good and harm. Hence, EJ is considered as an aspect of human rights, known as environmental human rights, otherwise called human rights approach to environmental protection in the interest of underprivileged areas of countries and territories around the world. The study thus indicates that EJ propagates the sacredness of our Planet, ecological unity, interdependence of all species and the right for these species to be free from ecological destruction, without compromising the overall interest of the present and future generations, and so, in the interest of a sustainable Planet for humans and other living things, to wit, society at large within and around the entire globe, in compliance with international benchmarked norms, guidelines, standards and practices. On this note, the study demonstrates that activism of EJ NGOs in Nigeria is evidenced by how these NGOs in the country are actively addressing adverse effects of petroleum EIOs in the oil-rich Delta region and other Nigeria's oil producing areas, as well as the negative consequences of other energy and major natural resources EIOs in Nigeria and other resource-rich developing countries. It therefore concentrates on underprivileged resource-rich areas of developing countries, such as the marginalized and neglected oil-rich ethnic minority communities of the Niger Delta region, other Nigeria's oil producing areas and such other deprived resource-rich areas of the country, as well as other resource-rich developing countries suffering from the resource curse.

While concluding, we state that this exploratory study has attempted to demonstrate how the activities of EJ NGOs in Nigeria are contributing meaningfully to environmental governance in the country and how such activities have the potential to strengthen environmental stewardship in the country. We therefore recommend that EJ NGOs should increasingly continue to vitalize and propel, as well as invigorate and rejuvenate EJ activism, so as to improve environmental stewardship of government and the private sector in Nigeria, towards greater protection of the environment and the wellbeing of humans and society at large in the oil-rich Niger Delta region, other oil producing areas and other resource-rich areas of the country. Doing so would positively impact on the environmental governance potentials and/or abilities of other resource-rich developing countries, towards GEG in these countries, particularly those of them like Nigeria, which are being traumatized and agonized by the resource curse.

Thus, given the prevalent poor or weak standard and therefore deplorable nature of environmental governance in Nigeria, we further conclude by unequivocally stating that

discussing, studying and/or examining the activities of EJ NGOs *vis-à-vis* EJ movement within the oil-rich Niger Delta region could at best be exploratory in nature, particularly until GG (which is key to SD) is realized in Nigeria, particularly within the Delta region of the country. Accordingly, we recommend an urgent and fundamental need for GEG in Nigeria, which is associated with good public sector governance (GG) in the country. GG is immediately and essentially required in Nigeria to promote and actualize GEG in the country, towards sustainable petroleum and other energy and major natural resources EIOs, greater and sustainable human wellbeing, as well as overall GEG and all-embracing SD in the country.

By and large, we recommend that there is a need for increased and/or in-depth collaboration of EJ-inclined NGOs in Nigeria with EJ-based INGOs towards realizing first-rate environmental democracy, classic public sector (government) and private sector environmental stewardship, as well as other advantages of international benchmarked norms, guidelines, standards and practices governing EIOs in Nigeria and other resource-rich developing countries, towards efficient regulation and sustainable energy and major natural resources EIOs in these countries. Finally, we assert that doing so would go a long way to actualize GEG, greater human wellbeing and overall SD in Nigeria and other resource-rich developing countries, as the contributions of these countries towards a fairer, greater humane, harmonious, prosperous, sustainable and more peaceful world.