

Human Rights, the Environment and Sustainable Development: Nigerian Women's Experiences

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Received: October 21, 2011

Accepted: November 29, 2011

Published: March 1, 2012

doi:10.5539/jpl.v5n1p100

URL: <http://dx.doi.org/10.5539/jpl.v5n1p100>

Abstract

That, Nigerian women have a right to a healthful, and sustainable environment, conducive to their health, well being and the full development of their human personality, is no longer in doubt. Section 20 of the Nigerian constitution 1999, stipulates that states shall protect and improve the environment and safeguard the water, air, land, forest and wide life. Article 24 of the African charter on Human and Peoples Rights specifically provides that all people shall have the rights to a generally satisfactory environment favourable to their development. The African charter has been incorporated to the Nigerian municipal law by the African Charter on Human and People Rights, should it mean that Nigeria women can go to Court and enforced the provisions of the Charter, the questions begging for answer remain; is the Nigeria environment favourable, to the aspirations of the Nigerian women, as regarding human rights and the sustainability of developments? This paper investigates this somewhat topical issue as it builds heavily on the Nigerian environment.

Keywords: Environment, Human rights, Nigerian environment, Sustainable development, Women

1. Introduction

On July 9, 2002, hundreds of local women in the Niger Delta region Nigeria stormed an oil plant in Escarvos island of the southern coast of Nigeria belonging to an oil giant Chevron Texaco. On the 17th of July, 2002, a different group of women occupied oil facilities in Nigeria coastal Delta State also belonging to Chevron Texaco. According to news reports, the actions by the women were intended to draw attention to widespread poverty in villages and towns where giant multinationals oil companies operate in Nigeria and where despite considerable oil wealth, the Delta region like most other parts of Nigeria, remains very poor.

The struggle of the Nigerian woman dates back to the Aba Women's Riot in the Eastern Region of Nigeria in 1929(Ewelukwa,U.U.2005:76).It could be recounted that by the end of December 1930 at least fifty - five women were reported dead and another fifty wounded. Women identified as the leaders of the movement were arrested and imprisoned. The Nigerian's struggle against their negatively prevailing environmental factors it is hoped will stop as the world recognize women's right to the environment and sustainable development.

2. Definition Clarification

It is fashionable to define, albeit briefly, some key words in any topic before delving into the main discussion. Even with the allusion that definitions are almost always within the realm of mental construct as they become apposite so as not to leave the reader in doubt as to the topic under consideration.

2.1 Defining Nigeria

Nigeria is a sovereign state. For Asada (2006:148), Nigeria like any animate being has a growth phase that is cyclical, shaped and compartmentalized even though nebulously by history; whether accidental or incidental.

Nigeria has a population of over 120 million, over60, 931,870 are women, whilst the population growth rate is 2.67%. Adekele (2003: 148) stated that 34. 11% of Nigerian women live below poverty line. Adekele reaffirmed that:

The Beijing conference organized by the United Nations in September 1995, acclaimed as one of the biggest and most successful conference of women in the 20th century indicated that 70% of women all over the world live in poverty. In Nigeria the role of women in the development of the country either as participant or beneficiaries of the process has been below expectation. The Human Development Reports of 1995 in the gender related development index placed Nigeria in the 100th position out of 130 countries. This information about Nigerian women is not

surprising because Nigeria with her enormous natural endowments remained extremely impoverished and now ranks near bottom of the world in terms of per capital income (Adekele, 2003:148).

Nigeria is reputed as being the most populous country in black Africa. Over the past two decades Nigerians have not reaped the benefits of their rich resources. Nigeria's potential has not been reached.

2.2 Defining Woman

Otaluka (1990:95) defines the expression as an adult female human physically weaker than the man, exhibiting feminine characteristics, quite distinct from the opposite sex. Ogwu (1992:143) sees a woman as a feminine component of the human specie who, apart from serving as a vehicle for nurturing human life, is also a producer, a consumer and an agent for fostering a wholesome political, social and economic development in society. Commenting on the afore mentioned definitions, Tobi (2004: 160) wrote that, though the definition of Otaluka highlights the natural propensities characterized by the feminine nature of women, Ogwu emphasises the role of women in society in terms of functionality.

Section 91 (1) of the Labour Act Cap 198 laws of the Federation of Nigeria 1990 (now 2004) defines a woman as a member of the female sex whatever her age or status. Whereas the protocol to the African charter on Human and Peoples Right on the Rights of women in Africa simply defines a woman as persons of the female gender including girls.

2.3 Defining Environment

The environment as Kalu (2004: 11) defines comprises prevailing human attitudes organisational arrangements or dispositions, governmental policies and programs, as well as socio-cultural, economic and forces. According to Ron and wonton, the expression is the whole complex of physical, social, cultural, economic and aesthetic factors which affect individuals and communities and ultimately determine their form, character, relationship and survival.

Though Briggs Williston define the environment as comprising physical, socio cultural as well as biological that constitute the general surrounding of the people where ever they may be living on the earth surface. A dictionary definition expresses the term as simply the natural condition that affects the existence of man such as air, water and land.

2.4 Defining Human Rights

There has been a coterie of definitions of human rights but a few would suffice, here. Professor Eze (1984:5) defines the expression as demand or claims which individuals or group make on society, some of which are protected by law and have become part of *ex Lata* whereas others remain aspirations to be attained in future. Dr. Shikyil (1998:56) captures the attraction of defining human rights because the concept human right is centrally important in the development of the contemporary world. The issues that are top most on the agenda of states in the modern world whether on the domestic or international scene are human rights and the issues of the environment. Human rights because in man's unbridled quest for economic pursuit, capital accumulation and unconscious able use of instrumentality of science, has brought in its terrain a wide variety of pollutants reaching land, air and water bodies which in turn constitute hazard to the health of man, his terrestrial and aquatic environment.

2.5 Defining Sustainable Development

Sustainable development has variously defined. The Macmillan dictionary of the Environment defines the expression as the economic development that can continue indefinitely because it is based on the exploitation of renewable resources and causes insufficient environment damage for this is to pose an eventual limit.

Whist the World Commission on Environment and Development (The Brunt land Commission) defines sustainable development as: development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

In a narrow sense therefore, the expression sustainable development entails a development process that does not harm the environment nor exhaust natural resources. The Stockholm Declaration on the Human Environment States that natural resources of the earth, including water, air, lands flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefits of present future generations through careful planning and management as appropriate. This means that the non renewable resources of the earth must be employed in such a way to guard against the danger of their future exhaustion such enterprise as shared to all mankind.

Nchi (1998: 54) posited that sustainable development is a global concern and attempts are being made to give it a legal expression worldwide, it has become the basis for defining goals of economic and social development. It is now recognized that natural resources are not to be over exploited in such a manner as to degrade the environment and deplete such resources to the detriment of future generations. Posterity has so much right to natural resources as

the present generations.

Emerging concepts like the inherent rights of future generations of Nigerian women to the equitable utilization of natural resources and the so called precautionary principles should be attempts to give a legal basis to the concept of sustainable development.

The expression envisages environment protection as an integral part of development agenda and the social process of development which must be rooted in equity and fairness not only should there be an environment resilience but there should be an environment growth with progress towards national and international equity. It is no longer news that the Nigerian woman has a right to development. International legal instruments like article 28 of the United Nations Declaration on Human Rights defines a right to development as:

A comprehensive process which aims at the constant improvement of the well being of the entire population and of all individual on the basis of their active force and meaningful participation in development and in the fair resolution of benefits resulting there from.

The United Nations Declaration of the Right of Development declares that the right of development is an inalienable human right by virtue of which every person and all peoples are entitled to participate in, contribute to and enjoy economic, social, cultural and political development.

In line therefore article 19 of the Protocol to the African Charter on Human and People's Rights in Africa, of which Nigeria is a signatory, in emphatic term states that women shall have the right to fully enjoy their right to sustainable development. In this wise, state parties shall take all appropriate measures to:

- a) Introduce the gender perspective in the national development planning procedure;
- b) Ensure participation of women at all levels in the conceptualization decision-making implementation and evaluation of development policies and programs.
- c) Promotes women's access to and control over product ional resources such as land and guarantee their right to property;
- d) Promoter women's access to credit, training and skills development and extension services at rural and urban areas in order to provide women with a higher quality of life and reduce the level of poverty among women;
- e) Take into account indicators and human development specifically relating to women in the evaluation of development policies and programs and
- f) Ensure that the negative effects of globalization and any economic policies and programmes are reduced to the minimum for women

3. Environmental Hazards and Pollution as a Violation of Women's Rights

The rights of the Nigerian woman to live in a healthy environment and develop her potential is daily threatened by pollution, by it air, water or marine life. This is in spite of the fact that Nigeria is not yet an industrialized nation. Gone are the days when Africans and the underdeveloped world perceive that most of the global environmental problems were been caused by environmentally irresponsible policies of the industrialised world. Then African leaders observed that unsustainable patterns of production and consumption particularly in the industrialized countries which do not reflect adequate concern for environmental conservation and rehabilitation in developing countries are also at the root of numerous environmental problems, notably the depletion of resources base for the devilment of this and future generation.

Pollution is defined by the Nigeria Federal Environment Protection Agency Act Cap 131 Laws of the Federation of Nigeria 1990 (2004) as man made alteration of the chemical, physical or biological quality of the environment. Borokini (2005:65) sees pollution as the undesirable change in the order of nature and may involve disequilibrium in the physical, biological or ecological composition of the environment with negative consequences.

3.1 Air Pollution as a Violation of Women's Rights

Due to the activities of man, a lot of toxic emissions involving carcinogenic and poisonous ones from chemical plants and other industries are poured into the environment casing pollution. (Iroagananchi, 1999:51) According to Barbara (1991:7) toxic emissions come from a long of noxious substances such as arsenic, benzene and tricholoethelenty. Theses emissions are responsible for a lot of health problems to the Nigerian woman like cancer, birth defects, genetic damage and instant death (Ikoni, UD, 2006:113).

In the opinion of Akin (1994:12) the various kinds of pollution in the air, like lead cause fertility impairment, menstrual disorder and high blood pressure that the Nigerian women has to contain with. In addition, with the high rate of poverty among the Nigerian women, her use of firewood causes her chronic lung and heart diseases. In spite

of the fact that the Nigerian legislation is radiant with legislations, such as the Federal Government Protection Agency Act 131 Laws of the Federation of Nigeria 1990 (2004) which provides as stipulated: to promote the health and welfare, normal development and productive capability of the nations human, animal or plant life to wit: (a.) minimum essential air quality standard for human animal or plant health; (b.) the control of concentration of substances in the air which separately or on combination are likely to result in damage or deterioration or property or of human, animal or plant health, (c.) the most appropriate means to prevent and combat various forms of atmospheric pollution; (d.) controls for atmospheric pollution originating from energy sources, including that produced by aircraft and other self propelled vehicles and in factories and power generating stations; (e.) standard applicable to emission from any new mobile source which in the agency's judgment causes or contributes to air pollution which may reasonably be anticipated to endanger public health or welfare; and (f) the use of appropriate means to reduce emissions to permissible levels. Other laws include the Harmful Waste Act of 1998, the oil in Navigational Water Act of 1990 (now 2004), the 1970 Clean Air Act. Both small and big cities like Lagos, Port Harcourt, Kano and Bornu States in Nigeria are filled with all kinds of negative and poisonous emissions from the various industries and plants, like the Nigerian Oil Refinery Station; the Abeokuta Steel Industry e.t.c. Fumes from cars, like bikes and aeroplanes still pollute Nigeria's atmosphere with unbelievable consequences on the women. Akin (1994:12) was assertive when he stated that the average level of suspended particulate material in the Nigerian atmosphere, especially in urban cities far exceeds the World Health Organization approval level. Oluwole (2005:150) presented a gloomy picture of the women when she stated referring to the works of Sofoluwe(1968), Soley(1968), Benedaga(2002) that indoor smoke pollution to a large extent contributed to a high incidence of bronchitis and bronchial pneumonia of children under five years in the out patient department and wards of Nigerian hospitals especially, during cold seasons in Northern Nigeria and pollutants effects arising from Ewekwo, Ukpilla and Benue Cement factories in Nigeria result to boils, sore throats and rashes to the Nigerian woman

3.2 Water Pollution as a Violation of the Rights of Woman

Water is well noted for *agric cultural* and industrial consumption amongst the Nigerian woman. Human being talk about water pollution when it is likely to affect the health of humans or capable of destroying the biological systems of animal and plants. According to Rogers, water pollution is the poor quality of water which adversely affects the use of it for agricultural, domestic, industrial or other purposes. Collins (1981:321) opines that the complexity of pollutants entering the water today has made the saying that running water purifies itself in ten miles and that the solution pollution is dilution, not to be true. The pollutions of water threaten the supply of clean water and the sustenance of aquatic life. Many detergents contain enzymes and chemicals which are drained into the water and do not break down, rather they stimulate algae to multiply and when the algae decompose they use up available oxygen endangering the living organisms. In Lagos State of Nigeria and many other oil producing areas or states, oil leakages from pipes grease and oil from mechanic workshops, pollute the surrounding bodies of water forming a 'silver coating' on them, thereby causing serious danger on aquatic life. These waters are thereby rendered incapable of supporting the life of the Nigerian women.

In the Nigeria Riverian areas, people take pride in defecating into the rivers. This nefarious activity against the waters go on with great impunity, in spite of the various laws regulating water pollution. Nearly all agencies vested with quality water control including the Federal Government having power over territorial waters are creations of statutes. Those agencies are charged with the responsibilities for planning, monitoring the public use of water and prevention of pollution by members of the public. The statutory creation of the various River Basin Authority is to enhance proper administrative control of water pollution. Oke (2004: 268) opines that locations like Ibadan, Kaduna and Lagos state of Nigeria proves positively that industrial pollution features prominently in the cities coupled with very poor drainage system in the cities. For example, the periodic Ogunpa disaster in Ibadan was caused as a result of negligent disposal of wastes in the stream and bad drainage system in the old city which has motivated the relocation from the old to the new Gbogi Ibadan/Ife road under Bola Ige's administration. However, some the problems facing administrative control of water pollution in clued political instability, bad planning and the poor knowledge of technology.

The unending industrial pollution emanating from manufacturing industries and companies in Nigeria are clear manifestation that Nigeria is technologically deficient and does not imbibe maintenance culture. Times without number, there were complaints from Otta and Ijebu Ode that the Breweries and Dying industries in those areas where discharging hazardous wastes in their waters. Same complaints were being lodged against the Agbera industrial Estate in Badagry local government area of Lagos state for dumping wastes in the Ologe Lagoon with disastrous effects on the lives on the Nigerian women.

It is disheartening that in spite of the various legislation on water pollution scattered in the criminal code of Nigeria, oils in Navigable water act, 1968, prevention of pollution of water courses Act 1969, River basin development Act

1979 and the sea fishes Act 1971, the menace of water pollution has continued unabated in Nigeria. Oke (2004:270) chronicled the reason for this, when he stated defects in the legislation that inadequate sanction and judicial authority on them in this jurisdiction are virtually nil and may have to rely mostly on decided authorities outside this jurisdiction. The stating point here is to appreciate the intention of the criminal code on water pollution and to set out the relevant provision below verbatim: any person who corrupt or fouls the water of any spring, stream well, tank or place so as to render it useless fit for the purpose for which it was ordinarily used, is guilty of misdemeanor and is liable to imprisonment for six months, the phrase 'less fit' for the purpose for which it is ordinary been used seems to be ambiguous because the use into which some quality of water, may be useful for agricultural, lower animals, brick laying, dyeing *etcetera*. Moreover there are numerous pollutants other than men. In the latter circumstances, it will amount to chasing the shadow of an unknown offender. Even when the offender is known or arrested the punishment prescribed by that section of the criminal code is grossly inadequate to deter an individual is earlier said not to talk an industry or public corporation. The criminal code provision tends to focus its attention to the punishment of the offender alone without paying due regards to the damages suffered by the victim who deserves adequate compensation. However, the enactment of the fisheries Act fails to take care of fish farming or aquatic life having contained provisions that prohibit destruction or an attempt to destroy any fish within the Nigeria's internal waters by applying any explosive substance, noxious or poisonous matter. The Act prescribed a fine of N.200 or an imprisonment for six months, or in case of continuous act of pollution N. 100.00 for each day of the continuance of the offence. The common factor possessed by the fisheries Act, criminal and penal code is the inadequacy of the punishment prescribed or paying no regard to the damage suffered by the victim in terms of providing adequate compensation; two hundred naira sounds ridiculous where the offender is an oil company.

4. International Conventions to the Rescue

The increasing problems of the disposal of toxic and hazardous substances and the practice of dumping in the third world countries like Nigeria with its attendant severe health risk to the Nigerian woman, prompted international action leading to many conventions. In 1968, the organization of African Unity adopted the Bamako convention Treaty on the ban of the import into Africa and the control of trans boundary movement and management of hazardous waste for any reason into Africa by non parties and to prohibit the dumping at sea of such wastes. The convention on the prevention of marine pollution by Dumping waste and other matters 1972 1978 prohibits the dumping of waste or other matter listed in Annexure 1 to the convention on the control of transboundary movement of Hazardous and other waste to parties which have prohibited the import of such waste and have so informed other parties.

5. The Nigerian Woman and the Problems of Proof in Environmental Claims

In spite of the fact that Nigerian women have been seemingly protected by some laws on the environment bordering on her health and well being both locally and internationally, it may be very difficult, if not impossible to establish the source of the pollution and further establish a casual link between the pollution and damages caused. This is largely because pollution can occur in many ways. In the words of Akpan (2006:77), any person wishing to use such evidence may need to employ specialist consultants to determine the source and the effect of the pollution. This often causes considerable delay and expenses. In other words, most common law remedies require proof of the fault element on the part of the defendant may be lawful and faultless, all the plaintiff to prove is that she suffered some injury as a result of the act of the defendant, for the plaintiff to succeed, whereas in statutory claim for compensation, the act of the defendant needs. However, it is submitted that reliance on statutory provisions in Environmental claim does not automatically guarantee the reward of adequate compensation. A defendant sued under statute is entitled to rely on all applicable statutory defenses which the plaintiff may not be able to disprove. It has been submitted that whether the action is brought under common law rules or pursuant to statutory provisions, environmental claims present monumental difficulties to legal practitioners and victims of environment damage; the Nigerian women.

6. Women and the Regime of Compensation

Under section 44(1) (2) (m) of the 1999 constitution of the federal republic of Nigeria, section 11 (1)(2)(3) and (4) of the Oil Pipelines Acts, cap 07 laws of the Federation of Nigeria 2004 and section 22(1) (b) of the Federal Environmental Protection Agency Act, 2004, victims of environmental damages are entitled to be awarded adequate compensation. Section 11(5) (c) of the Oil Pipelines Acts provides that the holder of license shall pay to any person suffering damage (other than on account of his own default or on account of the malicious Act of a third person) as the consequences of any breakage or any leakage from the pipeline or any ancillary installation for any such damage not otherwise made good.

The regional multi lateral treaty of which Nigeria as a state party: the African Charter on Human and Peoples Right makes provision for a healthful and satisfactory environment. In the words of the Charter every individual shall have

the right to enjoy the best attainable state of physical and mental health, state parties shall take the necessary measures to protect the health of their people and to ensure that they receive medical attention when they are sick. Article 24 provides that all people shall have the right to a general satisfactory environment favorable to their development.

Writers like Frynes (2006:65) Fekumo (1998) Egbeku, Professor Osita (2006:60) state that these articles secured the right to adequate compensation for environmental damages in Nigeria. Since the charter is a part of Nigeria domestic law. The case of *General Sani Abacha and Ors v. Chief Gani Fawehinmi* (vol.7,2000), becomes instructive. In that case the cross appellant/respondent, a legal practitioner of 31 years experience and a human rights activist was arrested and detained for four days. He filed an application at the federal high court, Lagos, to challenge his arrest and detention. The action was, brought under Fundamental Rights (Enforcement procedure) Rules 1979. part of the relief sought include two declarations, one of which is, his arrest and detention constitute a violation of his Fundamental Rights guaranteed under the 1979 constitution and the African charter on Human and people's Rights (Ratification and Enforcement) Act cap 10. Laws of the Federation of the Nigeria 1990. On appeal to the Supreme Court, the court dismissed the appeal, allowed the cross appeal in favour of the Respondent and upheld the letter and the spirit of the African charter.

The Supreme Court in arriving at this decision, made some notable worth considering statements:

That an international treaty becomes binding when enacted into law by the National Assembly in that section 12 (1) 1979 constitution provide: "No treaty between the Federation and any other country shall have the force of law except to the extent to which any such treaty has been enacted into law by the National Assembly".

- That the charter which is incorporated into our municipal (i.e domestic) law by the African charter on human and people's rights (ratification and enforcement) act cap. 10, laws of the federation of Nigeria, 1990 becomes binding and our court must give effect to it like all other laws falling within the judicial powers of the courts. By cap 10, the African charter is now part of the laws of Nigeria. The court pointed out that cap. 10 being a statute with international flavour, where there is a conflict between it and another statute, it's provisions will prevail over those of other statute for the reason that it is presumed that the legislatures does not intent to breach an international obligation, i.e the charter possess '*a greater vigour and strength*' than any other domestic statute. However, the charter was held not to be superior to the constitution because its international flavour does not prevent the National Assembly or Federal Military Government (as the case may be) from repealing it. But a treaty will not be deemed abrogated or modified by a later statute unless such purpose has been clearly expressed in the later statute.
- On the extent and circumstances which the government of Nigeria is bound by the African charter, it held: "the African charter as far as Nigeria is concern is not purely a matter of public international law... it is an understanding between some African states concerned to protect and improve the human rights and dignity of their citizens and other citizens within the territorial jurisdiction of their countries, to the commitment which that understanding has been translated into a legal obligation by adopting the charter as a domestic law..."
- On whether an individual can rely on African charter before a national court to sustain a cause that his human rights protection under the charter has been violated. The court held that: "the charter contained a number of Rights recognized and guaranteed to every individual... these an other articles of the charter shows that individuals are assured rights which they can seek to protect from been violated and if violated to seek appropriate remedies. It is in the national courts such protection and remedies can be sought and if the cause is established enforced...in other words, those individual rights are justiciable in Nigerian courts".
- According to Per. Ejjiwunmi, JSC: "The African Charter on Human and People's Rights having been passed into our municipal law, our domestic courts certainly have the jurisdiction to construe and apply the treaty. It follows then that anyone who felt that his rights as guaranteed or protected by the Charter have been violated could well resort to its provisions to obtain redress in our domestic courts.
- On the attitude that Nigerian judiciary should adopt where there is a treaty like the African Charter, Per Uwaifo, JSC has this to say: "where we have a treaty like the African Charter on Human and People's Rights and similar treaties applicable to Nigeria, we must be prepared to stand on the side of civilized societies the world over in the way we consider them,, particularly when we have adopted them as part of our laws... this until necessarily extract from the judiciary... it will and resourcefulness to play it's role in the defence of liberty and justice to effectively press them down..."

This is an odd case. The Supreme Court held that the Charter is not superior to the constitution. It follows therefore, that any conflict between section 20 of the constitution and article 24 of the African Charter will be resolved in

favour of the constitution. In this regard, it is doubtful if the Charter can be used to elevate environmental rights from non justiciable rights, unless the Nigerian court especially the Supreme Court of Nigeria toes the line of the Philippines Supreme Court, where the Supreme Court had no difficulty whatsoever in recognizing the right to the environment in the case of *Minus Oposa v. Secretary of the Department of Environment and Natural Resources* (1994) 33 ILM 173. This was a class action brought by minors for and on behalf of themselves and future generations yet unborn, claiming a violation for their rights to a healthy ecology. In associating the rights with the twin concept of international justice, the plaintiffs urged the court to cancel all existing timber licenses in the country and for an injunction restraining the DENR from receiving, accepting, processing, renewing or approving new Timber License agreements which the claimed were responsible for a host of environmental and the disappearance of the indigenous Filipino cultures. The Supreme Court had no difficulty in reversing the lower courts order, after a careful consideration of the relevant Philippine legislation and holding that the petitioner had the *Locus standi* necessary to sustain the bringing and maintenance of the suit.

The Nigerian judiciary should be imaginative and bold enough, so as to enable women to have enforced their rights to a healthful environment. In the words of Wonika (2000 2001:104) section 20 of the 1999 constitution of the Federal Republic of Nigeria states that, states shall protect and improve the environment and safeguard the water, air, forest and wild life of Nigeria even at that it is important to note that, this provision as non justiciable as it forms part of the Fundamental Objectives and Directive Principle of State Policy in chapter II of the constitution the implication of which is that no Nigerian citizen can go the court to enforce his/her rights in respect of a violation or threatened violation of such provision. The fear of enshrining human and environmental rights in Nigeria is in the possibility of multiplicity of suits against the Federal government.

The author disagrees with Wonike (2000 – 2001: 104) on the fear of the possibility of multiplicity of suits against the Federal Government or any of the tiers of government by aggrieved individual and communities, instead it should be reasoned that the courts should own up to its responsibilities to be bold and imaginative to the aspirations of women and the future generations of Nigerians.

Victims of environmental claims have not received adequate compensation that seeks to return the injured party or victim of environmental damage to similar position to which she was in before injury or damage was inflicted. Apart from the Herculean task in proving environmental claims where the victims are able to prove such claims, they have not always been adequately compensated. In *Shell Petroleum Development Company (Nig) Ltd v. Ambah*, (1995)3 NWLR Pt 382, the Supreme Court reduced an award of N.300.000.00 made by the trial court and confirmed by the Court of Appeal to the plaintiff who has suffered devastating damage to the plaintiffs only means of livelihood to a miserable sum of ₦27,000. In *Shell Petroleum Development Company v. Feral* (1995) 3 NWLR pt. 593, the Court of Appeal confirmed the award of ₦ 4, 621, 307. 00 made by the trial court to the plaintiff as compensation for the damage they sustained on their farmland as a result of oil blow out. Whilst in *Shell Petroleum Development Company v. Adamkue* unreported suit no CA/PH/163/2000. Judgement delivered on March 27, 2003 the trial court awarded the sum of N255,360.00 as compensation for economic losses and ₦ 450 as cost of procuring relevant scientific evidence.

With the increasing growth in human rights circles and discourses at both local and international fora there have been call for environmental management. In Ogun State of Nigeria for example 158 industries discharge 7,000 tonnes of solid wastes yearly while 3,000 tonnes of effluent and 1500 tonnes of sulphur dioxide are also discharged by the firms annually with adverse effects on the women. This necessitated the call for the establishment of environment fund to be used for research in environmental management for sustainable development.

7. Recommendations and Conclusion

Balancing women's human rights, the environment and Sustainable development is imperative. Links must be developed between environmental conservation and women's social and economic rights and development.

The greatest obstacle to environmental conservation is poverty as Mrs. Gandhi succinctly put it:

How can we speak of those who live in the villages and in the slums about keeping the oceans, the rivers and the air clean when their lives are contaminated? Is not poverty and need greatest polluters? (Olong M,2006:45).

Nigerians pursuit of economic development should not ignore the human rights of the women and the quality of the environment as well as the twin imperatives of sustainable development, the need for environmental conservation as an integral part of development, the need to plan and manage the environment to prevent environmental damage. So invariably Nigeria must understand that development is proper and an inevitable social process and secondly that the social process of development must be properly and efficiently managed to ensure the least damage to the environment and protect the interest of future generations of women in respect of exhaustible natural resources. In

the words of Nchi (1996: 124) environmental conservation must necessarily be premised on the recognition of the fact that natural resources are a common heritage of mankind, those existing and future generation. The consumption of natural resources must not be permitted to reach unsustainable levels. Environmental management must include effective and efficient management to avoid sad damage. Sustainable development has been a thing of global concern and attempts are being made to give it a legal dimension. The contemporary world recognised that natural resources must be used on a sustainable basis and not over exploited in such a way as to degrade the environment and deplete them in a manner least to the interest of future generations.

Having chronicled the struggles and contributions of the Nigerian women to her environment, it is at best to satisfactorily know that her rights to a quality environment and sustainable development is an inalienable right by virtue of which she is entitled to participate, contribute to and enjoy economic, social, cultural and political development, in which all human rights and fundamental freedoms can be fully realised.

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