

# Environmental Justice and Women as Vulnerable Group: Advocating for the Environmental Rights of Women in The Niger Delta of Nigeria

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**Abstract:** *The discovery of oil in commercial quantities in the Niger Delta region in the 1950's ushered in a new era of revenue generation and brought hope of economic and infrastructural growth in the region for not only the government but also persons living within oil producing communities. Unfortunately, with the passing of time, the activities of multinational oil corporations in the Niger Delta region seem to have done more harm than good to residents in the region, with oil producing communities experiencing varying consequences arising from oil exploitation activities. Over the years' studies have revealed that women, suffer the most from the consequences of oil exploitation in the Niger Delta region. Despite these undue consequences women in the Niger Delta region face, they are often marginalized in the fight for the protection of their environmental rights in the region due to the patriarchal nature of their society. This article therefore seeks to critically evaluate the concept of environmental justice vis-à-vis the marginalization of the environmental rights of women in the Niger Delta region. Consequently, this research revealed the role of women in the protection of the environment, their environmental rights as well as the factors affecting the protection of their environmental rights in the Niger Delta region and Nigeria at large. This study therefore recommended amongst other suggestions, that the Government should make special efforts to ensure women are represented or given an equitable amount of representatives in decision making bodies on matters concerning the protection of the environment.*

**Keywords:** women, environment, environmental justice; environmental rights, oil exploitation, Niger Delta.

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## INTRODUCTION

Nigeria is a country with a population of over 200 million persons,<sup>1</sup> a vast mass and an abundance of mineral resources. Top among its natural resources, is crude oil. Since its official discovery in the year, 1956 in Bayelsa State,<sup>2</sup> the nation's economy has been sustained for many decades from the revenue generated from oil exploitation. Apart from the direct revenues obtained from export of petroleum products, taxes and rents from operating oil companies within the nation, many persons have also derived benefits as a result of oil exploration activities, including employment, contracts, scholarships, grants, roads, electricity, medical equipment *etcetera*.

Notwithstanding these exciting benefits listed above, oil exploitation in Nigeria, particularly in oil producing communities has also exposed these communities to health challenges, conflicts, poverty, unemployment and destruction of their immediate environment through occurrences such as oil spillages and indiscriminate gas flaring, contaminating the air, water and surrounding environment.

These contaminants from spilled oil and flared gas, have been related to a variety of health issues and pose major threats to the Niger Delta population's well-being.<sup>3</sup> The reality of many oil producing communities, is that oil exploration and exploitation operations in the Niger Delta area have had a negative impact on the local population's health. Residents, especially children, women, and men, face a slew of health concerns as a result of dangerous compounds produced during oil drilling contaminating the air, water, and land.<sup>4</sup> These health hazards present themselves in a variety of ways, including but not limited to respiratory problems, skin ailments, malignancies, neurological disorders, reproductive troubles, and weakened immune systems. The health consequences of oil drilling in the Niger Delta are complex. To begin, contamination of air and water sources, such as rivers and streams, exposes the people directly through inhalation, ingestion, and skin contact.<sup>5</sup> Second, pollution of agricultural lands and fishing resources has an impact on the food chain, resulting in the ingestion of polluted crops, fish, and other food items, compounding health hazards.<sup>6</sup>

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<sup>1</sup> 'Nigeria Population (2025)' – Worldometer <<https://www.worldometers.info/world-population/nigeria-population/>> accessed 19 December 2025.

<sup>2</sup> 'Ogoniland's Oil History' (UNEP) <<https://www.unep.org/topics/disasters-and-conflicts/country-presence/nigeria/ogonilands-oil-history#:~:text=In%20Nigeria%2C%20oil%20was%20reportedly,largest%20producer%20of%20crude%20oil>> accessed 19 December 2025.

<sup>3</sup> A. Y. Adaki, 'Unveiling the Hidden Costs: Health Impacts of Oil Exploration in Nigeria's Niger Delta Region' *ISAR Journal of Arts, Humanities and Social Studies* (2023) 1(1), 25-31.

<sup>4</sup> *Ibid.*

<sup>5</sup> *Ibid.*

<sup>6</sup> *Ibid.*

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Environmental Justice generally implies the right to a safe, healthy, productive, and sustainable environment for all. Environment, in this context, is considered in its totality to include the ecological (biological), physical, social, political, aesthetic, and economic environments.<sup>7</sup> Consequently, environmental justice refers to the conditions in which such a right can be freely exercised, to ensure that individual and group identities, needs, and dignities are preserved, fulfilled, and respected in a way that provides for self-actualization and personal and community empowerment.<sup>8</sup>

In recent years, one of the challenges to human living all over the world, has been that posed by crisis of climate change, environmental pollution and degradation which has directly impacted a broad range of rights, including the rights to food, health, development and the very right to life. The risks and threats of this crisis affects everyone, however, a person's gender, place of living, livelihood and socioeconomic situation determine the gravity of this influence.<sup>9</sup>

From the inception of time, women have been traditionally known not just as beings of procreation, but also as home managers.<sup>10</sup> However, with modernization and exposure, women have risen beyond these traditional roles, occupying strategic positions in political, educational, healthcare systems, and many diverse career paths, demonstrating their resilience and undeniable recognition of their importance to the society. Despite the critical role women play in the management of land and natural resources, research indicates that in 123 countries (roughly in two thirds of all the States in the world), traditional, religious and customary laws and practices limit women's freedom to claim and protect these assets.<sup>11</sup> National legal and policy frameworks on climate change, environmental and disaster risk reduction often do not provide a basis for gender-responsive governance. Even in cases where laws and policies do incorporate gender equality, they often treat women as vulnerable groups rather than as agents of change, restricting their ability to harness their leadership potential.<sup>12</sup> Women's environmental rights have not been fully addressed, hence their power of influence is limited.<sup>13</sup>

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<sup>7</sup> 'Environmental Justice Definitions' (EHEB) <<https://www.nmhealth.org/publication/view/help/309/>> accessed 19 December 2025.

<sup>8</sup> Ibid.

<sup>9</sup> Fabiano Correa, 'Gender Equality: A Cornerstone for Environmental and Climate Justice' UNDP (2022) <<https://www.undp.org/blog/gender-equality-cornerstone-environmental-and-climate-justice>> accessed 19 December 2025.

<sup>10</sup> E. A, Taiwo, 'Repugnancy Clause and its Impact on Customary Law: Comparing the South African and Nigerian Positions —Some Lessons for Nigeria' *Journal for Juridical Science*, (2009) 34 (1), 89-115. <<https://caid.ca/RepClaCusLaw2009.pdf>> accessed 19 December 2025.

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<sup>13</sup> X. Ling and Y. Liu, 'The Coordination of Environmental Protection and Female Discrimination Based on the Concept of Affirmative Action', *International Journal of Environmental Research and Public Health* (2023) 20, 3419.

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In light of the foregoing, this study sets out to critically examine the concept of environmental justice *vis-à-vis* the neglect of women’s right to a clean, safe and healthy environment and the importance of their role in environmental governance particularly in the Niger Delta region.

### **Conceptual Framework**

In order to extensively analyze the subject of this research, it is essential that a number of interrelated concepts are demystified so as to lay a proper foundation for further discussion.

#### **Who is a woman?**

The concept and understanding of “who” or even “what” a woman is, in modern times, has become a subject of many controversies all over the world. However, traditionally, a woman is generally defined as an adult female person or as a woman belonging to a particular category (as by birth, residence, membership, or occupation) —usually used in combination.<sup>14</sup>

Although Nigeria’s legal framework does not provide a specific definition of who a woman is, for the purpose of this study, it is adopted, that a woman is one who was biologically born with the sex that typically has the capacity to bear young or produce eggs.<sup>15</sup> This is in line with the intention behind Nigeria’s same-sex marriage<sup>16</sup> and homosexuality prohibition legal framework.

#### **Environment**

Environment can be defined as a sum total of all the living and non-living elements and their effects that influence human life. Living or biotic elements are animals, plants, forests, fisheries and birds, while non-living or abiotic elements include water, land, sunlight, rocks, and air.<sup>17</sup> Under the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act,<sup>18</sup> environment is defined to include water, air, land and all plants and human beings or animals living therein and the inter-relationships which exist among these or any of them.

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<sup>14</sup> ‘Woman Definition & Meaning’ (Merriam Webster) <<https://www.merriam-webster.com/dictionary/woman>> accessed 19 December 2025.

<sup>15</sup> ‘Female Definition & Meaning’ (Merriam Webster) <<https://www.merriam-webster.com/dictionary/female#:~:text=the%20two%20words,-,Medical%20Definition,from%20a%20man%20or%20boy>> accessed 19 December 2025.

<sup>16</sup> Same-sex Marriage Prohibition Act 2013.

<sup>17</sup> ‘Environment- Meaning, Definition, Function, Example’ <<https://byjus.com/commerce/meaning-and-functions-of-environment/>> accessed 19 December 2025.

<sup>18</sup> Section 37 National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007.

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Environment is therefore, the sum total of conditions that surrounds us at a given point of time and space. It is comprised of the interacting systems of physical, biological and cultural elements which are interlinked both individually and collectively.<sup>19</sup>

### **Justice**

The concept of justice, may be interpreted as a legal term, as an ethical term or a Judicial attribution. As a legal term, justice generally refers to a system that determines who should receive benefits or burdens when the law is applied to a person's situation.<sup>20</sup>

As an ethical idea, however, justice means treating people fairly, impartially and reasonably by the law and those who enforce it. It also means that laws should prevent harm to others, and if harm is done, there should be a fair and appropriate consequence for both the accuser and the accused.<sup>21</sup> This is known as due process.<sup>22</sup> It has also been referred to as the just treatment of all members of society with regard to a specified public issue, including equitable distribution of resources and participation in decision-making.<sup>23</sup>

### **Niger Delta**

The Niger Delta area of Nigeria, is generally identified as being an oil producing region of the country. It comprises of states such as, Edo State, Delta State, Rivers State, Cross River State, AkwaIbom State, Bayelsa State, Abia State, Imo State and Ondo State.<sup>24</sup>

### **The meaning of the concept of Environmental Justice**

Environmental justice is the fair treatment and meaningful involvement of all people, regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.<sup>25</sup> Fair treatment means 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 laws, regulations and policies. Meaningful involvement requires effective access to decision

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<sup>19</sup>Puja Mondal, 'Meaning, Definition and Components of Environment' <<https://www.yourarticlelibrary.com/environment/meaning-definition-and-components-of-environment/6157>> accessed 19 December 2025.

<sup>20</sup> 'What is Justice? Simple Definition & Meaning' <<https://isd.law/define/justice>> accessed 19 December 2025.

<sup>21</sup> Ibid.

<sup>22</sup> Ibid.

<sup>23</sup> 'Justice Definition & Meaning' <<https://www.dictionary.com/browse/justice>> accessed 19 December 2025.

<sup>24</sup> '1.2.2. Militant groups in the Niger Delta' (European Union Agency for Asylum) <<https://euaa.europa.eu/country-guidance-nigeria/122-militant-groups-niger-delta#:~:text=The%20Niger%20Delta%20comprises%20of,degradation%20due%20to%20oil%20exploitation>> accessed 19 December 2025.

<sup>25</sup> 'What is Enviromental Justice?' <<https://www.energy.gov/Im/services/environmental-justice/what-environmental-justice>> accessed 19 December 2025.

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makers for all, and the ability in all communities to make informed decisions and take positive actions to produce environmental justice for themselves.<sup>26</sup>

Environmental justice is based on the reality that certain groups in society bear unequal environmental and economic burdens like poor air and water quality, as well as unhealthy living conditions resulting from industrial, municipal, and commercial operations and/or federal, state, and local laws, regulations, and policies.<sup>27</sup> It is the idea that all people and communities have the right to equal environmental protection under the law, and to the right to live, work and play in communities that are safe, healthy and free of life-threatening conditions. Environmental justice is made possible when all communities have access to information and decision-makers that enable them to take action and create positive change for themselves.<sup>28</sup>

While there is no single legal definition for environmental justice and the concept continues to evolve, there are shared themes of equal protection, community involvement and healthy living environments.<sup>29</sup> The significance of the doctrine varies depending on the context or the country in focus. For example, ‘environmental justice in Africa emphasizes access to natural resources, while in the USA and UK the focus is on maintaining the planet’s well-being via active public participation’.<sup>30</sup>

Consequently, in the African (or Nigerian) context, a distinct connotation of environmental justice will suffice. Here, access or control and ownership of natural resources by the inhabitants of the Niger Delta region (where the oil and gas industry is located) are the underlying factors in the environmental justice paradigm in Nigeria.

### **Factors Accounting for Women’s Vulnerability**

The general understanding of a vulnerable person is one who is weak, without protection and with the result that they are easily hurt physically or emotionally.<sup>31</sup> In the context of environmental degradation and its effects on people, studies have shown that women are more vulnerable to health crisis arising from these issues due to their closeness to the environment through their respective activities such as farming, gathering woods in the forest, fetching water from the streams and even

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<sup>26</sup> Ibid.

<sup>27</sup> ‘What is Environmental Justice?’ <<https://detroitenvironmentaljustice.org/what-is-environmental-justice/>> accessed 19 December 2025.

<sup>28</sup> Ibid.

<sup>29</sup> E. Ekhaton, ‘Improving Access to Environmental Justice Under the African Charter on Human and People’s Rights: The Roles of NGOs in Nigeria’ *African Journal of International and Comparative Law*, (2014) 22(1), 63-79 at 66.

<sup>30</sup> RT. Ako, ‘Nigeria’s Land Use Act: An Anti-thesis to Environmental Justice’ *Journal of African Law*, (2009) 53(2), 292.

<sup>31</sup> ‘Vulnerable: meaning and definition’ (Collins Dictionary) <<https://www.collinsdictionary.com/dictionary/english/vulnerable#:~:text=Someone%20who%20is%20vulnerable%20is,vulnerable%20members%20of%20our%20society>> accessed 19 December 2025.

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from fishing. Consequently, whenever there are issues such as oil spillages or gas flaring, the women within the area become vulnerable to the consequences of environmental degradation. In addition, due to the patriarchal nature of the traditional society, women are ignored in decision making consultations with regard to environmental issues, arising from the ignorant feeling that they are the weaker vessels and have no role to play in the protection of the environment. Some of the factors responsible for the vulnerability of women in the society have been identified and shall be discussed hereunder.

### **Cultural Factors**

Many customs in Nigeria believe that women are inferior beings probably because of their feminine nature, soft attitude and lesser physical strength. These cultures assume that men should be revered by women at all times.<sup>32</sup>

Customary practices across Nigeria generally hold that the man is the head of the house and has the greatest control and decision-making powers. The notion of subjugation of women is so entrenched that many people in Nigerian society tend to accept violence against a woman as justified.<sup>33</sup> Cultural practices encouraging abuse of women's rights still abound. Cases of early marriage, female genital mutilation, widowhood practices, *etcetera* are predominant cultural practices on females which derogate from the provisions of gender rights. In some communities in Nigeria, women cannot own land except through male relatives.<sup>34</sup> More often, women are regarded as property and therefore cannot own property themselves.<sup>35</sup> In some communities in Nigeria, a woman is not allowed to inherit her husband's estate; instead she may be inherited along with the estate of her husband by another male relative in the family.<sup>36</sup>

### **Religious Factors**

Many men have capitalized on religious teachings which require that wives should submit to their husbands, to treat them unfairly. The weaponization of such teachings have ensured that women

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<sup>32</sup> MIO Nwogu and OM Nwogu, 'Women's Rights Protection in Nigeria: Institutional Framework and Challenges' *Journal of Law*, (2020) 9(3), 52-60.

<sup>33</sup> LK Ritz, 'Soft Enforcement: Inadequacies of Optional Protocol as a Remedy for the Convention on the Elimination of All Forms of Discrimination against Women' *Suffolk Transnational Law Review*, (2001) (25), 99.

<sup>34</sup> O Oyelade, 'Women's Rights in Africa: A Myth or Reality' *University of Benin Journal*, (2006) 9(1),100.

<sup>35</sup> *Ibid*; This Position has been overturned by the court in *Ukeje .V, Ukeje and Women* are still denied this right to inherit in many communities and have to resort to the law courts. Unfortunately, many women cannot afford legal fees to retain lawyers;

<sup>36</sup> MI Nwogu and AN Okonkwo, 'Cultural and Legislative Constraints Militating Against Women's Rights in Nigeria: The Way Forward for a More Inclusive Protection' *NAUJILJ*, (2023) 14(1), 42-53; I. Nnadi, 'An Insight into Violence Against Women as Human Rights Violation in Nigeria: A Critique' *Journal of Politics and Law*, (2012) 5(3), 48-56.

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are not given equal benefits to the environment even when their nature makes them more vulnerable to challenges arising from environmental pollution and degradation.

This practice has been evident in the olden days and is still prevalent in some communities till date. Legislations would have little impact if religion and faith institutions are not included in the fight to curb abuse of women's rights in Nigeria.<sup>37</sup> Gender right is not just a private matter. It is also a moral issue as such the need to involve the churches and mosques in the effort to combat abuse of women's rights that abound.<sup>38</sup> To this light, some religious texts reinforcing male superiority over the female and perpetuating gender segregation and discrimination is to be checkmated in Nigeria to avoid further misinterpretations.<sup>39</sup>

### **Natural Factors**

The biological makeup of the female gender has been evoked as a factor hindering women empowerment and political participation.<sup>40</sup> Their roles as mothers and wives have also been culturally influenced and predetermined. Expectation thus is for them to be gentle, providing care for their husbands and children.<sup>41</sup> On the other hand a lot of women have come to see themselves as subjects, which must be provided for, or an object of beauty which must be maintained, which must look good all the time. This situation is deeply embedded in the socialization process of the girl child in Africa where socio-cultural values and traditions are widely held.<sup>42</sup>

### **Marriage Factors**

Due to the patriarchal nature of the society, the general belief about women is that their place is in the kitchen, and for the production of children. It is also believed that the woman is subservient to her husband and as such, does not have a voice in any important decisions of the home. This misinformed belief, which has been passed down from one generation of women to another, ultimately relegates women to the bottom class of the society, and as such, even where they have first contact with the environment and its degradation impacts, their opinions are not considered as important, thereby leaving them to suffer whatever consequences of environmental pollution without remedy.

Even though many women are finding their voices and exposure in the modern society regardless of their marital status, many other women, especially in the rural areas, continue to suffer in silence particularly after marriage.

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<sup>37</sup> Nwogwu and Nwogwu (n.36).

<sup>38</sup> J. Isanga, 'Muliersdignita tem, Ephesians 5 and domestic violence: Grounding international women's human rights' *Ave Maria Law Review*, (2009 - 2010) (8), 419.

<sup>39</sup> Nwogwu and Nwogwu (n.36).

<sup>40</sup> GA Makana, 'Patriarchy and Gender Inequality in Nigeria: The Way Forward' *European Scientific Journal*, (2013) 9(17), 115-144.

<sup>41</sup> Ibid.

<sup>42</sup> Ibid.

### **Women's Role in Environmental Protection**

A lot of studies on women and environment have shown that women are significant actors in natural resources management and they are major contributors to environment rehabilitation and conservation.<sup>43</sup> In addressing some key environmental problems women play a major role. Women through their roles as farmers and as collectors of water and firewood have a close connection with their local environment and often suffer most directly from environmental problems.<sup>44</sup>

Women's direct contact with environment has produced their deep-knowledge about the environment. Thus, women have served as agriculturalists, water resources managers and traditional scientists among others.<sup>45</sup> Women are not only Knowledgeable about the environment, they are also protective and caring.<sup>46</sup> Women being primarily responsible for domestic and household management interact more intensively with both the natural and built environment more than men. Consequently, they are more likely to suffer from a degraded home, neighborhood and city environment. They shoulder more of the burden that go with living in poor housing and communities with inadequate residential and health infrastructure since they spend more time at home and its immediate vicinity.<sup>47</sup>

Over the years women have played significant roles in ensuring the sustenance of the environment. For instance, in the aspect of solid waste disposal, because women are closer to the environment, they engage in environmental management by cleaning the environment and keeping it clean especially in terms of garbage disposal. Giving the health hazard of garbage, women see to its regular disposal at the community level by doing it themselves.<sup>48</sup> Women's involvement with environmental management and problems also make them participate actively in keeping drainages around them clean and free from trash and sand. They are also seen the centre of the management of the communal water resources and house hold water requirement.<sup>49</sup>

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<sup>43</sup> SZ Wuyen, VC Dung, AH Buhari, DH Madaki and BA Bitrus, 'Women Participation in Environmental Protection and Management: Lessons from Plateau State, Nigeria' *American Journal of Environmental Protection*, (2014) 2(2), 32-36.

<sup>44</sup> Ibid.

<sup>45</sup> Ibid.

<sup>46</sup> AG Shettima, 'Gender issues in monitoring the environment: The case of Rural Nigeria' (A paper presented at the 39th Annual conference of the Nigerian geographical Association, 5th -8th May, at University of Maiduguri, 1996).

<sup>47</sup> FE Etta, 'Maroko low- income settlement in Lagos, Nigeria; Gender and Urban Natural resources management' (1999) in D. L. smith women managing resources Mazigira institute, Nairobi.

<sup>48</sup>Wuyen and others (n.43).

<sup>49</sup> Ibid.

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In addition to the above, women have also played an active role in peaceful agitations in the society.<sup>50</sup> For example, the protest for the development of Ogoniland led by Ken Saro-Wiwa and the Movement for the Survival of the Ogoni People (MOSOP) during the 1990s was greatly supported by women.<sup>51</sup> Women often led MOSOP demonstrations or protests, marching at the front to bring attention to the peaceful nature of these demonstrations.<sup>52</sup> Ogoni women were said to have played an integral role in ensuring that nonviolence became the crux of the Ogoni struggle.<sup>53</sup>

Also, Ogoni women's involvement in the struggle led to inclusion of women's issues such as girls' and women's education as important benefit of the Ogoni protest.<sup>54</sup> It should be noted that MOSOP's peaceful protests have had a massive impact on Shell's operations in Ogoniland; for more than 25 years, Shell has not operated any of its facilities in Ogoniland due to its rejection by the Ogoni people.<sup>55</sup> This is notwithstanding that under Nigerian laws, Shell has the right to operate in the region.<sup>56</sup>

Despite these outstanding efforts of women and their contribution to the protection of the environment, women continue to be sidelined in the grand scheme of things with respect to matters bothering environmental management.<sup>57</sup> The isolation of women from decision making on environment has made their views unheard, thereby affecting their ability to influence decision making process which affects the environment they interact with.<sup>58</sup> Thus, women should be encouraged to participate in committees on environmental protection, programmes and policies to address gender imbalances in decision making. Women access to land and other resources should

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<sup>50</sup> E Ekhaton and P Obani, 'Women and Environmental Justice Issues in Nigeria: An Evaluation' <[https://www.researchgate.net/publication/364915350\\_Women\\_and\\_Environmental\\_Justice\\_Issues\\_in\\_Nigeria\\_An\\_Evaluation](https://www.researchgate.net/publication/364915350_Women_and_Environmental_Justice_Issues_in_Nigeria_An_Evaluation)> accessed 19 December 2025.

<sup>51</sup> A Ikelegbe, 'Engendering civil society: Oil, women groups and resource conflicts in the Niger Delta region of Nigeria' *Journal of Modern African Studies*, (2005), 241–270.

<sup>52</sup> Z Mai-Bornu, 'Oil, conflict, and the dynamics of resource struggle in the Niger Delta: A comparison of the Ogoni and Ijaw movements' *The Extractive Industries and Society*, (2009) 6(4), 1282–1291.

<sup>53</sup> Ibid.

<sup>54</sup> D Barikor-Wiwa, 'The Role of Women in the Struggle for Environmental Justice in Ogoni' *Cultural Survival Quarterly*, (1997) 21(3), 46–49.

<sup>55</sup> EO Ekhaton, 'Regulating the activities of oil multinationals in Nigeria: A case for self-regulation' *J. Afr. L.*, (2016) 1, 60.

<sup>56</sup> Ekhaton and Obani (n.50).

<sup>57</sup> Wuyen and others (n.43).

<sup>58</sup> Ibid.

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be ensured and not undermined. It is also suggested that the government also has a role in ensuring gender equity in regards access to and control of resources.<sup>59</sup>

Also, women education and access to education for girls should be seen as a policy priority. Educated women will contribute more significantly to bringing the gap between environment and development. Empowerment of women in sustainable human development and in relation to the protection of the environment must be recognized and sustained.<sup>60</sup>

**Effects of Environmental Degradation on Women as Vulnerable Group**

Environmental degradation arising from pollution of the environment is generally detrimental to the health and well-being of not just humans, but plants and animals in the surrounding. However, it's negative impact on women includes;

**(i.) Pollution, Poor Sanitation and Lack of Access to Clean Water**

The 2010 report by the WHO/UNICEF Joint Monitoring Programme for Water Supply and Sanitation (JMP) revealed that out of Nigeria's estimated population of 151 million, about 65 million people still lack access to water that is safe to use.<sup>61</sup> The report further revealed that as of 2008, only about 42% of the rural population in Nigeria had access to a supply of improved drinking water.<sup>62</sup> The report further indicates that Nigeria is one of the countries that is not on track to meet the Millennium development goals (MDG) target on water and sanitation. Given the poor number of people having access to safe drinking water, the situation is likely to be aggravated by oil pollution in the Niger Delta area.<sup>63</sup> Women in the region therefore who need water for cooking and washing end up being deprived of clean water for their household use.

In addition, polluted water often leads to a lack of proper sanitation for the people. This is because the communities rely heavily on water for proper sanitation. Communities lacking adequate supplies of freshwater and basic sanitation carry the highest burdens of disease, which disproportionately impact women and children under five years of age.<sup>64</sup>

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<sup>59</sup> Ibid.

<sup>60</sup> Ibid.

<sup>61</sup> O Oluduro and E Durojaye, 'The Implications of Oil Pollution for the Enjoyment of Sexual and Reproductive Rights of Women in Niger Delta Area of Nigeria' *The International Journal of Human Rights*, (2013) 17(7-8), 772-795.

<sup>62</sup> World Health Organization/UNICEF, 'Progress on Sanitation and Drinking-Water (2010 Update)' <[http://whqlibdoc.who.int/publications/2010/9789241563956\\_eng\\_full\\_text.pdf](http://whqlibdoc.who.int/publications/2010/9789241563956_eng_full_text.pdf)> accessed 20 December 2025.

<sup>63</sup> Oluduro and Durojaye (n.61).

<sup>64</sup> Institute of Medicine (US) Forum on Microbial Threats, *Global Issues in Water, Sanitation, and Health: Workshop Summary, Workshop Overview* (Washington, DC: National Academies Press, 2009) <<http://www.ncbi.nlm.nih.gov/books/NBK28449/>> accessed 20 December 2025.

### **(ii.) Food production and health Implications**

The health impacts of air pollution, largely due to gas flaring, spread across a wide area, and all those who rely on locally produced food, whether from their own production or bought at the market, risk contamination.<sup>65</sup> It is common in the Niger Delta to see women at the flare sites using the toxic flames to dry their food items and fish, which the oil companies have regarded as economic benefits to the local inhabitants.<sup>66</sup> In doing this, women are exposed to high levels of pollution from the sites, unaware of the health implications of such.<sup>67</sup> These may include sulphurdioxide, nitrogen dioxide, as well as carcinogenic substances such as benz[a]pyrene, dioxin, benzene and toluene, which may impact negatively on the health and physiology of the local inhabitants and ultimately affect the environment.<sup>68</sup>

### **(iii.) Climate change and health Impacts**

Flaring in Nigeria contributes a great deal to Africa's emission of greenhouse gases, lead to climate change, creates acid rain, retards crop yields, corrodes roofs, *etcetera*. The Nigerian gas alone produces 35 million tons of CO<sub>2</sub> and 12 million tons of methane, more than the rest of the world.<sup>69</sup> It has been shown that women are more likely to experience health problems arising from climate change related disasters than men.<sup>70</sup> For instance, it was reported that in the European heat wave in 2003, 75% more women than men died due to factors including poverty, deprivation, vulnerability to associated air pollution, and the fact that women above 60 years of age have increased problems in regulating their internal temperature, hence becoming more vulnerable to dehydration.<sup>71</sup>

This is a clear indication that women, particularly those in their reproductive age, are susceptible to health hazards as a result of gas flaring. More importantly, the consequences of gas flaring can be graver for pregnant women than other members of society given their vulnerability to other

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<sup>65</sup> P. Bond and D. Rehana, *Trouble in the Air, Global Warming in the Privatized Atmosphere* (Durban: Civil Society Reader, 2005), 194.

<sup>66</sup> O. Oluduro and E. Durojaye, (n. 61).

<sup>67</sup> Ibid.

<sup>68</sup> The Norwegian Council for Africa, 'Nigeria: Enforcing the Gas Flaring Deadline (Analysis)', (Daily Independent 10 August 2010) <<http://www.afrika.no/Detailed/19765.html>> accessed 20 December 2025.

<sup>69</sup> M.J. Watts, 'Petro-Violence: Community, Extraction, and Political Ecology' (Paper Prepared for the Workshop on Environment and Violence, University of California, Berkeley, 24– 26 September 1998).

<sup>70</sup> Ibid.

<sup>71</sup> Women's Environmental Network, 'Why Women and Climate Change' <<http://www.wen.org.uk/wp-content/uploads/wen-briefing-net1.pdf>> accessed 20 December 2025.

infections.<sup>72</sup> Gas flaring may not only constitute a threat to a pregnant woman but it also exposes the unborn child to serious health consequences, including mortality.<sup>73</sup>

#### **(iv.) Oil exploitation and reproductive health risks**

Oil exploitation increases the risks associated with the reproductive rights of women.<sup>74</sup> This is because women's societal roles and lifestyle choices can result in environmental exposures different from those of men and because some unique biologic characteristics of women can cause physiologic responses to a given exposure that differ from those of men'.<sup>75</sup> The combined effect of persistently drinking contaminated water and inhaling noxious fumes from gas flaring will not only have an impact on the health of the women in the region but may threaten the growth and mental development of their foetuses.<sup>76</sup> These occur as a result of the predisposition to peculiar diseases in communities where oil exploration takes place, coupled with poor antenatal care and malnutrition, thus putting the lives of pregnant women in these communities in a precarious state.<sup>77</sup>

Because of the differences in their physiologic responses to environmental issues, the women in the Niger Delta are more likely to be carrying in their bodies several noxious chemicals that were unknown to their grandparents which may negatively impact even the unborn.<sup>78</sup> The new-born baby who reaches for her mother's breast receives heavily contaminated food from her mother's milk, which is heavily laden with toxic substances and would not meet food guidelines.<sup>79</sup>

#### **The Rights of Women to the Environment**

In many Nigerian communities, women are usually the food providers, income earners and caregivers for the family.<sup>80</sup> Therefore, they engage in various tasking jobs to provide the means for family survival such as food, water and energy. In the event of an environmental degradation caused by the activities of the multinational oil companies, as is often the case in the Niger Delta region, women are usually the primary victims because of their profound dependence on, and their

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<sup>72</sup>Oluduro and Durojaye (n.61).

<sup>73</sup> Ibid.

<sup>74</sup> Ibid.

<sup>75</sup> A Kelly and R.J. Jackson, 'Public Health Principles and Women's Environmental Health: No More Lost Opportunities', (Observations from the CDC) *Journal of Women's Health*, (1998) 7(1), 15 – 18.

<sup>76</sup> E Tweneboah, 'Coastal Pollution and Women's Health in Ada-Foah, Ghana', *Women and Environments*, (2003), 16 – 18.

<sup>77</sup> Quoted in Akosua K. Darkwah, *The Impact of Oil and Gas Discovery and Exploration on Communities with Emphasis on Women* (National Academy of Sciences, 2003). <[https://www.g-rap.org/docs/oil\\_and\\_gas/netright-akosua\\_darkwah-2010.pdf](https://www.g-rap.org/docs/oil_and_gas/netright-akosua_darkwah-2010.pdf). > accessed 20 December 2025.

<sup>78</sup>Oluduro and Durojaye (n.61).

<sup>79</sup> E May, 'The Environment: A Place to Visit', *Women and Environment*, (2003), 8 – 9.

<sup>80</sup> O. Oluduro and E. Durojaye (n.61 ).

more frequent and intimate contact with nature, compared to their male counterparts.<sup>81</sup> As noted earlier, women engage in menial activities such as farming and work in proximity to oil industry operations, therefore becoming more likely to be exposed to environmental hazards that can negatively affect their health and ability to provide care for their families. Thus, the above could be explained in terms of women's inherent biological connection, their roles at home, and their mutual devaluation and domination within patriarchal ideology.<sup>82</sup>

As a result of many years of environmental protection activism, a number of proponents have been able to identify major environmental rights of women that should be protected and enforced. Consequently, these environmental rights would be considered hereunder.

### **The Right to Clean Environment**

The right to clean environment may be referred to as environmental right.<sup>83</sup> The right to clean, healthy and sustainable environment was recently proclaimed by the United Nations General Assembly as a universal human right.<sup>84</sup> This is the right that gives human beings a primary right to a sustainable environment.<sup>85</sup>

Under the African Charter on Human and Peoples' Rights,<sup>86</sup> the right is referred to as the right to satisfactory environment.<sup>87</sup> This was interpreted by the African Commission in *SERAC v Federal Republic of Nigeria*<sup>88</sup> as imposing "clear obligations upon a government... to take reasonable and other measures to prevent pollution and ecological degradation, to promote conservation, and to secure an ecologically sustainable development and use of natural resources."<sup>89</sup> This right

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<sup>81</sup> Heather Goldsworthy, *Women, Global Environmental Change and Human Security*, in Richard A. Matthew, Jon Barnett, Bryan McDonald, and Karen L. O'Brien, *Global Environmental Change and Human Security* (The MIT Press, 2010), 216.

<sup>82</sup> Ibid.

<sup>83</sup> AD. Ikuomola, 'Initiatives of Oil Producing Communities and the Dynamics of Conflict and Peace Building in the Niger Delta', *Journal of Conflictology*, (2013) 4(1), 41.

<sup>84</sup> United Nations General Assembly, The Human Right to a Clean, Healthy and Sustainable Environment, A/RES/76/300 adopted 28 July 2022. <<https://undocs.org/A/RES/76/300>> accessed 20 December 2025.

<sup>85</sup> A Otubu., "Environment and Human Rights: An Overview of Current Trends in Nigeria". *The Nigerian Journal of Public Law*, (2013) 2, 211.

<sup>86</sup> See article 24 of the African Charter on Human and Peoples' Rights ("Banjul Charter"), 27 June 1981, CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982). <<https://www.refworld.org/docid/3ae6b3630.html>> accessed 20 December 2025; The term 'African Charter' shall hereinafter be used to refer to the African Charter on Human and People's Right.

<sup>87</sup> EP. Amechi, 'Enhancing Environmental Protection and SocioEconomic Development in Africa: A Fresh Look at the Right to a General Satisfactory Environment under the African Charter on Human and Peoples' Rights' *Law, Environment and Development Journal*, (2009) 5(1), 63-68.

<sup>88</sup> (2001) AHRLR 60.

<sup>89</sup> KSA. Ebeku, 'The Right to a Satisfactory Environment and the African Commission' *AHRLJ* (2020) 3, 149-166.

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contemplates that while a State is free to harness its natural resources and advance its economy, it must exercise care and adopts reasonable measures to protect its citizens and lands from environmental harm.<sup>90</sup>

The right to clean environment is the mother of a number of other rights which include access to clean water and adequate sanitation, healthy and sustainable food, safe climate, healthy biodiversity and ecosystems.<sup>91</sup> The relationship between the right to clean environment and a number of other human rights informed the basis for the recognition by the United Nations that everyone has a right to live in a clean, healthy and sustainable environment and that such right is a universal human right.<sup>92</sup>

It is very important that the environmental right of women to a clean environment is upheld as the absence of a clean environment is an invitation to terminal diseases, reproductive issues and untimely death of women and children.

### **The Right to Participate in Environmental Decisions**

One of the components of environmental rights is the right to participate in environmental decisions.<sup>93</sup> This concept has been described as participatory democracy in environmental governance.<sup>94</sup> It is a procedural right which includes the right to information, participation and access to justice.<sup>95</sup> It is about the meaningful involvement or participation in the decisions relating to the management of the environment by key stakeholders including local communities that bear the greatest impact of resource projects.<sup>96</sup> The purpose is for local communities to benefit from the proceeds of the exploitation of the natural resources in a way that satisfactorily serves the economic, social, and cultural needs of the communities.<sup>97</sup>

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<sup>90</sup> SA. Dersso, 'The Jurisprudence of the African Commission on Human and Peoples' Rights' *AHRLJ* (2006) 6, 371.

<sup>91</sup> B. Umukoro, 'Petroleum Host Communities and Their Rights to the Environment in Nigeria: Shifting Between Economic Interest and The Right to Clean Environment' *Revista Catalana De Dret Ambiental*, (2024) 14(1), 1-56.

<sup>92</sup> UN (n.84); Umukoro Ibid.

<sup>93</sup>Umukoro (n.91).

<sup>94</sup> U. Etemire, 'Public Access to Environmental Information: A Comparative Analysis of Nigerian Legislation with International Best Practice, *Transnational Environmental Law*, (2014) 3(1), 149-172.

<sup>95</sup>JR.May, 'Constitutional Directions in Procedural Environmental Rights', *Journal of Environmental Law & Litigation*, (2013) 28(27), 27-51.

<sup>96</sup> O. Abe, 'Local Content Requirements in Nigeria's Extractive Sector and the Implications for Sustainable Development', *Journal of African Law*, (2022) 66(1), 75.

<sup>97</sup> AE. Ibiham, and HP. Faga, 'Indigenous Peoples' Rights over Natural Resources: An Analysis of Host Communities Rights in Nigeria', *Lampung Journal of International Law*, (2021) 2(3), 132.

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In recent times, a new legal regime of environmental democracy in Nigeria has been gradually introduced, with laws such as the Nigerian Oil and Gas Industry Content Development Act 2010,<sup>98</sup> Freedom of Information Act, 2011,<sup>99</sup> Petroleum Industry Act (PIA) 2021 and the Nigerian Upstream Petroleum Host Community Development Regulations (NUPHCDR) 2022, promoting public participation in environmental decisions. Chapter III of PIA which contains sections 235-357 and the entire NUPHCDR are devoted to host community development. This is the first-time petroleum host communities are receiving such level of legal recognition and involvement in the oil and gas industry in Nigeria. The PIA does not only set out the objectives of host community development, it stipulates that the companies which prospect and explore oil must incorporate a Host Community Development Trust fund (HCDT) to which three per cent operating cost is paid.<sup>100</sup> The role of the host communities in the appointment of the Board of Trustees is also clearly spelt out in the PIA and the NUPHCDR.<sup>101</sup> The Board of Trustees is to be constituted in consultation with the host communities and the members of the board are drawn from the communities.<sup>102</sup> This suggests that host communities are not only involved but constitute the Board. The Board of trustees is responsible, among other things, for the appointment of a committee known as Host Community Management Committee (HCMC).<sup>103</sup>

Despite the commendable provisions of this law, a problem that has been in existence for many years in Nigeria, remains unresolved; and this is the failure to adequately recognize the right of women to actively participate in environmental decisions even though they possess the same rights to partake in the decision making processes. Consequently, though women are negatively impacted by the environmental degradation through their productive and reproductive roles, oil MNCs tend to marginalize them in their various discussions with the communities on ways of addressing the damage to the environment.<sup>104</sup> This may not be unconnected with the fact that the community leaders, who are usually males, are presented as the spokespersons of the communities.<sup>105</sup> Even in situations where women approach the oil companies directly to raise issues of direct concern to them, the companies are always hesitant to deal directly with them.<sup>106</sup> At the national level, where laws and policies regarding environmental issues are made, or where decisions on such are taken,

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<sup>98</sup> Abe (n.96).

<sup>99</sup>Etemire (n. 94).

<sup>100</sup>Umukoro (n 91).

<sup>101</sup> Section 235 (4) PIA and section 7 of the NUPHCDR.

<sup>102</sup> Sections 234 (4) and 242(2) PIA.

<sup>103</sup>Umukoro (n.91).

<sup>104</sup> A Salihu, E Okon and N Sow, 'Enhancing the Capacity of Women Leaders of Community Organisations to Contribute Towards Peace Building in the Niger Delta Region of Nigeria', Needs Assessment Report Niger Delta, Nigeria, 12 – 20 (London: International Alert, July 2002), 1-31.

<sup>105</sup> Ibid.

<sup>106</sup> Ibid.

women have less say as they are underrepresented in political and business circles where issues of vital importance are discussed.<sup>107</sup>

### **The Right to Social and Economic Benefits Arising from the Environment**

Under the current legal regime on environmental justice in Nigeria, such as the Petroleum Industry Act, 2021, host communities are entitled to not just compensation in cases of unforeseen incidences such as oil spillages, but have a special trust fund for the development and welfare of every member of such host community including women. This environmental right is statutorily secured under Nigeria's laws, but whether they are truly implemented or if the women who are entitled to these benefits actually experience same, is very much unclear.

As a way of addressing gender inequalities, the Nigerian government must embark on gender awareness campaigns to sensitize policy makers at different levels of government.<sup>108</sup> In addition, decision-makers must ensure that gender mainstreaming is incorporated as an important strategy in the process of policy formulation<sup>109</sup> and that women take equal benefits with men from benefits obtained from the environment or multinational oil companies within their region.

### **Access to Environmental Justice**

Another right under the concept of environmental justice, which women are entitled to, is that of access to justice particularly in cases where an aggrieved party is seeking redress in court in line with the provisions of any subsisting law.<sup>110</sup>

Although section 17 of the 1999 Constitution provides that the State shall protect and improve the environment and safeguard the water, air and land, forest and wild life of Nigeria, women cannot take advantage of this provision in seeking environmental justice in Court. This is because, section 6(6)(c) of the Constitution provides that matters under Chapter II covering the Fundamental Objectives and Directives Principles of State Policy are non-justiciable.<sup>111</sup>

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<sup>107</sup>Oluduro and Durojaye (n.61).

<sup>108</sup> Ibid.

<sup>109</sup> C. Hassan, J. Olawoye and K. Nnadozie, 'Impact of International Trade and Multinational Corporations on the Environment and Sustainable Livelihoods of Rural Women in Akwa-Ibom State, Niger Delta Region, Nigeria', September 2002, <[http://depot.gdnet.org/cms/conference/papers/4th\\_pr15.5.3\\_comfort\\_hassan\\_paper.pdf](http://depot.gdnet.org/cms/conference/papers/4th_pr15.5.3_comfort_hassan_paper.pdf)> accessed 20 December 2025.

<sup>110</sup> B. Umukoro, 'On the Nexus between Climate Change, Poverty and Failure of Justice' *Chinese Journal of Environmental Law*, (2024) 8, 44-71; NS. Okogbule, 'Access to Justice and Human Rights Protection in Nigeria: Problems and Prospect' *SUR-International of Human Rights* (2005) 3, 95-96.

<sup>111</sup>Umukoro (n.91).

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A number of other environmental factors and technical rules or procedures of the courts<sup>112</sup> play a role in the denial of women's right to equal access to justice. The old common law rule of locus standi is a very good example of such technical rules which have impeded the right of access of litigants, especially in environmental cases in Nigerian courts.<sup>113</sup> The high cost of litigation has been identified as a factor which impedes access to justice.<sup>114</sup> The livelihoods of many people in local communities are directly dependent on their environment.<sup>115</sup> These women depend on wood for fuel and streams and rainfall as sources of drinking water.<sup>116</sup>

Women who live in degraded environments are often poor, economically weak<sup>117</sup> and unable to gain access to the court to ventilate their grievances.<sup>118</sup> Besides, rural dwellers ordinarily are living far from the courts. Where equal access to justice is denied whether as a result of weather variations or other factors, the 'people living in poverty are less able to engage the judicial process for the enforcement of their rights and as such are exposed to exploitation.'<sup>119</sup>

## CONCLUSION AND RECOMMENDATIONS

The concept of environmental justice generally entails the fair and equitable treatment of people with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies in their region. This suggests that, these people, whether men or women, should be able to take equal share from environmental policies or benefits, and also have the same say on decisions pertaining to the environment. In the course of this study, it has been shown that

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<sup>112</sup> R. Muftau, 'Access to Judicial Justice in Nigeria: The Need for Some Future Reforms' *Journal of Law, Policy and Globalization* (2016) 47, 144-145.

<sup>113</sup> TN. Alatise, 'The Future of "Standing to Sue" in Environment and Climate Change Litigations in Nigeria' *Nnamdi Azikiwe University Journal of International Law and Jurisprudence*, (2022) 13(1) 28.

<sup>114</sup> Okogbule(n.110).

<sup>115</sup> G Fedele and others, 'Nature-Dependent People: Mapping Human Direct Use of Nature for Basic Needs Across the Tropics' *Global Environmental Change*, (2021) 71, 2.

<sup>116</sup> The World Bank, 'Sustaining Forests and Livelihoods in a Changing World' (The World Bank, 29 January 2013) <<https://www.worldbank.org/en/news/feature/2013/01/29/sustaining-forests-livelihoods-changing-world>> accessed 20 December 2025.

<sup>117</sup> P. Kumar and M. Yashiro, 'The Marginal Poor and Their Dependence on Ecosystem Services: Evidence from South Asia and Sub-Saharan Africa' in Joachim von Braun and Franz W Gatzweiler (eds), *Marginality: Addressing the Nexus of Poverty, Exclusion and Ecology* (Springer 2013), 170.

<sup>118</sup> B. Umukoro and M. Omozue, 'Prosecuting Environmental Pollution Cases in Nigeria: The Head of a Carmel Passing through the Eye of a Niddle' *Baltic Journal of Law and Politics* (2022) 15(2), 2232-2235.

<sup>119</sup> J. Beqiraj and L. Mcnamara, *International Access to Justice: Barriers and Solutions* (Bingham Centre for the Rule of Law Report 02/2014) (International Bar Association 2014).

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women suffer a bit more than their male counterparts, from the impacts of environmental degradation. It has also been established, that women have been left in a position of vulnerability despite their close contact with the environment and their roles in the society.

The clamour for gender equity for women in the context of environmental rights protection basically means meeting communities where they are and allocating resources and opportunities as needed to create equal outcomes for all community members (men and women). Beyond the allocation of resources, gender equity applies to the determination of environmental policies. In the light of the findings in this study, this study makes the following recommendations.

- i. The existing environmental laws in Nigeria should be amended to protect women's right more through the inclusion of more punitive measures against individuals or corporations responsible for the pollution and degradation of the environment. The principle of 'Polluter-Pays' should be included into these laws to ensure that the responsible offenders take absolutely responsibility for compensation and remediation.
- ii. There is also need to create more awareness and sensitize both men and women on the environmental rights of women and importance of protecting same. This sensitization is critical in raising the consciousness in the minds of individuals on the importance of equitable distribution of environmental benefits without gender segregation.
- iii. The Government should make special efforts to ensure women are represented or given an equitable amount of representatives in decision making bodies on matters concerning the protection of the environment, and multinational companies operating within the region must actively engage in remediation activities aimed at reducing the negative impacts of their operations on men and women.
- iv. There is need for collaborative efforts by government, Non-governmental organizations and Civil Society Organizations in ensuring that the environmental rights of women in Nigeria are not only recognized, but that they are protected and enforced.