

## A JURISPRUDENTIAL STUDY OF HUMAN RIGHTS LAW IN ADDRESSING THE VICIOUS CYCLE OF POVERTY, ENVIRONMENTAL DEGRADATION AND SOCIO-ECONOMIC INEQUALITIES\*

### Abstract

*The study conducts a jurisprudential analysis of International Human Rights Law (IHRL) to assess its capacity to effectively address the mutual reinforcing cycle of poverty, environmental degradation and the persistent socio-economic inequalities in Nigeria. Wherein environmental damage disproportionately impacts impoverished communities, thereby amplifying existing inequalities and deepening deprivation. Therefore, the study aims to address the vicious cycle of poverty, environmental degradation and socio-economic inequalities, a crucial challenge at the intersection of international law and global sustainable development. The methodology involves examining the key legal provisions such as the UDHR, ICESCR, Chapter 2 of the 1999 CFRN and The National Environmental Standards and Regulations Enforcement Agency Act (NESREA), 2007 etc. Findings suggest that while IHRL provides a vocabulary of contestation for civil society and advocacy groups, its efficacy is highly dependent on national political will, judicial capability and independence and the capacity of national mechanisms to deliver and enforce binding judgments. Ultimately, the study concludes that overcoming enforcement challenges requires shifting the remedial justice to distributive and preventive justice. The study thereby advocates for strengthening accountability mechanisms, promoting greater judicial review at the domestic level and developing stronger collective sanctions to bridge the gap between aspirations and reality in the protection of fundamental human rights.*

**Keywords:** International Human Rights Law, Poverty, Environmental Degradation, Socio-Economic Inequalities

### 1. Introduction

In recent decades, the global community has increasingly acknowledged that poverty, inequality of rights, environmental degradation and human rights violations are not isolated issues, but are deeply interconnected. This interrelationship has profound implications for the design and enforcement of legal systems, particularly in regions where institutional capacity is weak and systemic marginalization persists. The intersection of poverty, inequality of rights, environmental degradation, and human right concerns has emerged as a critical area of legal and policy discourse globally. Poverty and inequality are not only socio-economic issues but also significant indicators of the level of human rights fulfillment in any society. Poverty, as defined by the United Nations, is not merely a lack of income, but a denial of opportunities, choices, and human dignity. It restricts access to basic needs such as education, healthcare, clean water, and housing.<sup>1</sup> Many of which are intentionally recognized human rights. When individuals are poor, they are often unable to assert or enforce their rights, thus deepening their vulnerability. Poverty is so deeply rooted in most communities that are unrealistic to assume that it can be utterly eradicated.

Human rights have emerged in national and international legal systems as a means of enhancing the lives of people in a position to claim their rights. Human rights are internationally agreed standards which apply to all human beings. Inequality of these rights on the other hand, manifests when certain groups or individuals are systemically denied equal protection and benefit of the law. This inequality is often embedded in some institutional structures, customs, or discriminatory policies that exclude people based on class, gender, ethnicity, or geography. It leads to a legal system that functions more favorably for some while marginalizing others, thereby contradicting the principles of equality and justice enshrined in international human rights law and many national constitutions. Environmental degradation, on the other hand, exacerbates these problems by disproportionately affecting marginalized

---

\*By **Ezinne Olivia ONWUGBENU, PhD**, Lecturer, Faculty of Law, Department of Public Law, Nnamdi Azikiwe University Awka Anambra State, Nigeria; Tel: 08066647575; Email: eo.onwugbenu@unizik.edu.ng

<sup>1</sup> Copenhagen Declaration and Programme of Action 1995, M Sherwood & S Denty 'Understanding and Defining Poverty', A Guide for Swansea 2017; The United Nations Development Programme (UNDP) 2024; Addressing Poverty, <https://www.un.org>; The United Nations Millennium Development Goals (MDG's).

and vulnerable populations who depend directly on natural resources for their livelihoods. Legal frameworks at both national and international levels have increasingly recognized the interconnectedness of these issues, prompting efforts to integrate environmental justice into human rights protections.

Although there are International legal instruments such as the Universal Declarations of Human Rights (UDHR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the African Charter on Human and Peoples' Rights, and multilateral environmental agreements which all attempts to address these problems, implementation and enforcement at the domestic level, especially in developing countries like Nigeria, remain weak. Legal responses are often unsystematic, reactive, and devoid of rights-based approach that connects environmental protection to poverty reduction and human dignity. Furthermore, judicial systems often lack the political will, institutional capacity, or independence necessary to enforce laws that protect poor people and the environments.

This paper therefore explores these linkages or interconnectedness through a legal overview, identifying the systemic gaps, and proposing ways the law can be used more effectively to address the combined challenges of poverty, inequality of rights and environmental harm with respect to the rights of human beings. This study is also grounded in the belief that an integrated and human rights-based legal approach is essential for the attainment of justice, equity and environmental sustainability in Nigeria and beyond.

## **2. Inequality of Rights and Legal Protection under Nigerian and International Law**

Inequality in rights and legal protection remains a central challenge in the global struggle for social justice, particularly in developing countries such as Nigeria. Under both Nigerian and international legal frameworks, fundamental human rights are declared as universal, inalienable, and non-discriminatory. However, the practical realization of these rights reveals stark disparities, especially among vulnerable groups impacted by poverty, socio-economic inequality, and environmental degradation.<sup>2</sup> Nigeria's 1999 Constitution (as amended), particularly in Chapter IV, guarantees civil and political rights such as the right to life,<sup>3</sup> dignity,<sup>4</sup> personal liberty,<sup>5</sup> and freedom from discrimination.<sup>6</sup> However, it does not grant the same justiciable status to socio-economic and environmental rights contained in Chapter II, including rights to education, health care, housing, and a clean environment. These latter rights are designated as non-justiciable under Section 6(6)(c), effectively limiting legal recourse for those whose socio-economic rights are violated due to poverty and environmental harm.<sup>7</sup>

At the international level, treaties such as the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966) recognize the indivisibility and interdependence of all human rights. However, in practice, economic and social rights are often treated as secondary to civil and political rights. This unequal recognition exacerbates the marginalization of poor populations, particularly in countries struggling with underdevelopment and environmental decay.<sup>8</sup> Women, children, persons with disabilities, and rural dwellers in Nigeria often face systemic legal disadvantages. For instance, land ownership laws and patriarchal customs still limit women's access to land and other productive resources, increasing their vulnerability to poverty and environmental degradation. Similarly, urban poor communities frequently suffer from forced evictions,

---

<sup>2</sup> E O Ojo, *The Nigerian Legal System and Access to Justice for the Poor*. (Lagos: Malthouse Press, 2016).

<sup>3</sup> Section 33, 1999 Constitution (as amended).

<sup>4</sup> Section 34, *ibid*.

<sup>5</sup> Section 35, *ibid*.

<sup>6</sup> Section 42, *ibid*.

<sup>7</sup> T O Adebayo, 'Bridging the Gap between Economic and Civil Rights in Nigeria: An Appraisal of Legal Inequalities.' *Nigerian Bar Journal*, Vol. 15, No. 1, 2022, pp. 95–110.

<sup>8</sup> M A Ibrahim, 'The Legal Recognition of Environmental Rights in Nigeria: Challenges and Prospects', *Journal of Public Law and Policy*, Vol. 10, No. 2, 2023, 67–84.

inadequate housing, and exposure to polluted environments with little to no legal protection or compensation.<sup>9</sup>

The inequality of legal protection is further deepened by institutional weaknesses such as corruption, limited access to justice, and poor enforcement of existing laws. Regulatory agencies often lack the capacity or political will to address rights violations stemming from environmental degradation, leaving affected populations with little recourse. To address these disparities, the Nigerian government must fully domesticate international human rights instruments and take legislative steps to make socio-economic rights justiciable. A holistic, rights-based approach is required to bridge the legal gap and ensure that poverty, inequality, and environmental injustice are tackled as interconnected human rights concerns.

### 3. Legal Linkages between Poverty and Human Rights Violations

Poverty is more than a lack of income it is a condition that manifests in exclusion from access to basic rights, opportunities, and services such as education, health care, clean water, and justice. When examined from a legal perspective, poverty both results from and contributes to the violation of human rights. This interrelationship becomes more pronounced when considered alongside environmental degradation and socio-economic inequality, which often intensify the experience of poverty and further entrench systemic injustice.<sup>10</sup> International human rights law, particularly the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, recognizes the right to an adequate standard of living, including adequate food, clothing, housing, and the continuous improvement of living conditions (Article 11). In Nigeria, these rights are mirrored in Chapter II of the 1999 Constitution (as amended), though rendered non-justiciable. Nonetheless, they serve as guiding principles for state policy and legislative actions.<sup>11</sup> Poverty often leads to the denial of civil and political rights such as access to justice, participation in governance, and freedom from discrimination. For instance, impoverished individuals are less likely to access legal representation or have their grievances heard due to financial and systemic barriers. This exclusion from the justice system is a form of rights violation in itself.<sup>12</sup>

Moreover, environmental degradation such as oil spills, deforestation, and pollution—commonly affects marginalized communities who depend on natural resources for livelihood. These conditions violate their right to health, clean environment, and sustainable development. In regions like the Niger Delta, poverty and environmental destruction are mutually reinforcing, with the failure of the state to address environmental harm amounting to a dereliction of its duty to protect human rights.<sup>13</sup> Legal linkages are also evident in the failure of the government to effectively implement social protection laws and policies that can lift citizens out of poverty.<sup>14</sup> The African Commission on Human and Peoples' Rights has affirmed that the state's failure to prevent or respond to conditions that undermine basic human dignity such as poverty and hunger constitutes a breach of its obligations under the African Charter on Human and Peoples' Rights (ACHPR), 1981.<sup>15</sup> In sum, poverty is both a cause and a consequence of human rights violations. It limits the capacity of individuals to demand their rights and undermines the state's ability to fulfil its legal obligations. Legal frameworks that ignore poverty as a human rights issue risk perpetuating a cycle of inequality, environmental degradation, and rights violations. A rights-based approach to poverty eradication is, therefore, essential to ensuring human dignity and environmental justice.

---

<sup>9</sup> C Osegbue, 'Women, Land Rights and Legal Protection in Nigeria.' *African Journal of Constitutional and Administrative Law*, Vol. 12, No. 3, 2021, pp. 43–60.

<sup>10</sup> J C Agbakoba and E S Nwauche, *Poverty, Law and Human Rights in Africa* (Lagos: HURILAWS Publications, 2006).

<sup>11</sup> *Ibid.*

<sup>12</sup> *Ibid.*

<sup>13</sup> O O Okpara, *Human Rights and Governance in Africa*. (Enugu: Chenglo Ltd., 2015).

<sup>14</sup> *Ibid.*

<sup>15</sup> J N Ezeilo, 'Human Rights Implications of Poverty in Nigeria.' *University of Nigeria Journal of International Law and Jurisprudence*, Vol. 9, No. 1, 2021, pp. 67–83.

#### **4. Environmental Degradation as a Breach of Socio-Economic Rights**

Environmental degradation is not only an ecological concern but also a direct violation of socio-economic rights, particularly for vulnerable populations in developing countries like Nigeria. The destruction of ecosystems, pollution of air and water, deforestation, desertification, and improper waste management disproportionately affect the poor and marginalized, thereby exacerbating existing inequalities and undermining fundamental human rights.<sup>16</sup> Socio-economic rights, as recognized in various international legal instruments such as the International Covenant on Economic, Social and Cultural Rights (ICESCR) include the right to health, water, food, housing, and a satisfactory standard of living. These rights are inherently dependent on a healthy environment. The destruction of farmlands due to oil spills in the Niger Delta, the contamination of water sources, and unregulated mining in the North are all instances where environmental degradation leads to the denial of these essential rights.<sup>17</sup> In the Nigerian context, although the 1999 Constitution (as amended) outlines socio-economic objectives under Chapter II, these rights are non-justiciable under Section 6(6)(c), thereby offering no enforceable remedy for environmental violations that infringe upon them. The absence of constitutional justifiability for environmental and socio-economic rights weakens legal redress mechanisms for victims of environmental harm.<sup>18</sup>

Moreover, environmental degradation undermines poverty alleviation efforts. When communities are displaced due to erosion or flooding often aggravated by poor waste disposal and climate change they lose access to shelter and livelihoods.<sup>19</sup> The most affected populations are often those already marginalized: women, children, rural dwellers, and indigenous communities. This nexus of environmental degradation and poverty reflects structural inequalities entrenched by inadequate legal frameworks and poor enforcement of environmental regulations.<sup>20</sup> International jurisprudence, including decisions by the African Commission on Human and Peoples' Rights (e.g., *SERAC v. Nigeria*), has reinforced the understanding that environmental degradation constitutes a violation of the right to life, dignity, health, and adequate housing. Therefore, the Nigerian government has both a legal and moral obligation to prevent environmental harm and protect the socio-economic rights of its citizens, especially those most vulnerable.<sup>21</sup>

To address these issues, Nigeria must strengthen its environmental laws, make socio-economic rights justiciable, and adopt a rights-based approach to development and environmental management. Without integrating environmental protection into the broader human rights framework, the cycle of poverty and inequality will persist.

#### **5. Human Rights Implications of Environmental and Socio-Economic Injustice**

The intersection between environmental degradation and socio-economic injustice forms a complex web of human rights violations, especially in developing countries like Nigeria. When communities suffer from environmental degradation such as oil spills, deforestation, desertification, flooding, or pollution, the impacts are not merely ecological—they are fundamentally about justice, equity, and dignity. These environmental harms disproportionately affect the poor and marginalized groups, leading to a perpetuation of poverty and the systemic violation of their socio-economic and cultural rights.<sup>22</sup>

The right to life, health, shelter, clean water, education, and a healthy environment are all impacted by environmental and socio-economic injustice. These rights are recognized under international frameworks such as the Universal Declaration of Human Rights (UDHR), International Covenant on Economic, Social and Cultural Rights (ICESCR), and the African Charter on Human and Peoples'

---

<sup>16</sup> L A Atsegbua, *Environmental Law in Nigeria: Theory and Practice*. (Benin City: Ambik Press, 2016).

<sup>17</sup> A O Jegede, *Human Rights and the Environment in Africa*. (Lagos: Concept Publications, 2020).

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> C I Obinna, *Socio-Economic Rights and Environmental Protection in Nigeria*. (Enugu: Grace Publishers, 2018).

<sup>21</sup> A C Uwazie, 'Environmental Degradation and Socio-Economic Rights in Nigeria: The Role of Law.' *Justice and Rights Review*, Vol. 12, No. 2, 2022, pp. 77–93.

<sup>22</sup> J Nwobike, *Human Rights and Corporate Accountability in Nigeria's Extractive Sector*. (Enugu: Peace Publishers, 2019).

Rights (ACHPR), to which Nigeria is a party. Yet, violations continue unchecked due to weak enforcement, corruption, and inadequate legal frameworks.<sup>23</sup>

In Nigeria, the situation is exemplified in the Niger Delta, where years of oil exploration have led to massive environmental destruction, displacing communities, destroying livelihoods, and depriving people of access to clean water and food. Despite the country's wealth in natural resources, the benefits do not trickle down to affected communities, creating a stark contradiction between resource wealth and human poverty. This contradiction violates the principles of distributive justice and sustainable development.

Environmental injustice often coincides with economic inequality. The poor lack the political voice and economic means to resist harmful environmental policies or practices. This creates a situation of structural violence where state and corporate practices perpetuate suffering and deny basic rights. For instance, forced evictions for urban development or climate-related displacement without adequate resettlement mechanisms violate the rights to housing, livelihood, and dignity.<sup>24</sup> Furthermore, climate change exacerbates these injustices. It disproportionately affects those who have contributed least to its causes. Rising temperatures, droughts, and floods threaten food security and access to clean water, forcing vulnerable populations further into poverty and instability.<sup>25</sup> Addressing these human rights implications requires a rights-based approach to environmental governance and poverty reduction. Laws and policies must promote environmental justice, socio-economic equity, and ensure accountability of state and corporate actors. Mechanisms such as free legal aid, public interest litigation, and access to environmental information can empower communities to claim their rights.

Ultimately, environmental degradation and socio-economic injustice are not isolated challenges they are human rights issues that require integrated, inclusive, and rights-based solutions to ensure no one is left behind.

## 6. Case Studies and Judicial Responses in Nigeria

In Nigeria, the judiciary plays a vital role in addressing the complex interplay between poverty, inequality, environmental degradation, and human rights. Through landmark decisions, courts have provided avenues for redress, interpretation of constitutional provisions, and enforcement of fundamental rights, particularly socio-economic and environmental rights. However, judicial responses have often been inconsistent, revealing both the strengths and limitations of Nigeria's legal system in promoting human dignity and social justice.<sup>26</sup> One prominent case that illustrates judicial intervention in environmental degradation and human rights is *Gbemre v. Shell Petroleum Development Company Nigeria Ltd & Ors*.<sup>27</sup> In this case, the Federal High Court in Benin held that the gas flaring practices of Shell violated the applicant's right to life and dignity as guaranteed under Sections 33 and 34 of the 1999 Constitution and Articles 4, 16, and 24 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act. The court directed the cessation of gas flaring in the Niger Delta, marking a significant shift toward environmental justice and the protection of human rights.

Similarly, in *Centre for Oil Pollution Watch v. Nigerian National Petroleum Corporation (NNPC)*,<sup>28</sup> the Supreme Court reaffirmed the locus standi of civil society organizations to initiate environmental protection suits, thus broadening access to justice for vulnerable and poor communities affected by environmental harms. This judgment recognized the right of groups to speak on behalf of affected populations, thereby reinforcing participatory justice and human rights advocacy. In *SERAP v. Federal*

---

<sup>23</sup> M Egwuonwu, 'Environmental Injustice and Human Rights in Nigeria: A Legal Review.' *African Human Rights Law Journal*, i2021ñ, 15 (2) pp. 123–140.

<sup>24</sup> *Ibid.*

<sup>25</sup> H A Salisu, 'Climate Change, Human Rights and Vulnerable Populations in Nigeria.' *Nigerian Yearbook of International Law*, i2022ñ 12 (3) pp. 98–117.

<sup>26</sup> E Azinge and Y A George, *Judicial Protection of Human Rights in Nigeria*. (Abuja: Nigerian Institute of Advanced Legal Studies, 2021).

<sup>27</sup> (2005) AHRLR 151 (NgHC 2005).

<sup>28</sup> (2019) 5 NWLR (Pt. 1666) 518.

*Republic of Nigeria*,<sup>29</sup> the ECOWAS Court of Justice found Nigeria in violation of the right to education due to its failure to provide basic infrastructure and funding. Though this case did not directly address environmental degradation, it underscored the judiciary's evolving approach toward recognizing socio-economic rights as enforceable and justiciable, contradicting the long-standing perception that such rights were merely aspirational under Chapter II of the 1999 Constitution. Another illustrative case is *Mozie v. MB (Nig.) Ltd*,<sup>30</sup> where the court protected the rights of tenants against forced eviction without adequate notice or alternative shelter, a trend that disproportionately affects the urban poor and perpetuates inequality. While the court based its reasoning on property rights, the underlying issues of displacement, poverty, and inadequate housing are closely linked to human rights and environmental degradation in densely populated Nigerian cities.

Despite these commendable efforts, judicial enforcement of environmental and socio-economic rights in Nigeria remains weak due to procedural technicalities, lack of political will, and inadequate implementation of court decisions. Nevertheless, the courts are increasingly becoming venues for contesting inequality, environmental injustice, and poverty-induced human rights violations.<sup>31</sup> To ensure a robust judicial response, Nigeria must reinforce judicial independence, promote public interest litigation, and domesticate international human rights instruments more comprehensively. Additionally, strengthening environmental laws and creating specialized environmental courts would bolster the judicial mechanism for redressing such multidimensional issues.

### **7. Comparative Legal Analysis: South Africa, India, and Nigeria**

The legal and constitutional approaches of South Africa, India, and Nigeria to poverty, inequality, environmental degradation, and human rights present a rich comparative insight into how developing countries confront complex socio-economic and ecological challenges. Although all three countries face similar struggles in addressing developmental gaps and environmental harms, their legal responses, particularly in judicial activism and rights enforcement, differ markedly.<sup>32</sup> South Africa stands out for its progressive and enforceable constitutional guarantees of socio-economic rights. The *1996 Constitution of South Africa* explicitly recognizes the rights to housing, health care, food, water, and social security under Sections 26 and 27. The judiciary has played an instrumental role in enforcing these rights. In *Government of the Republic of South Africa v. Grootboom*,<sup>33</sup> the Constitutional Court held that the state had a duty to take reasonable legislative and other measures to provide access to adequate housing. This case not only addressed housing inequality but also reaffirmed the justiciability of socio-economic rights. South Africa's National Environmental Management Act (NEMA) 1998 further integrates environmental justice into legal norms by promoting equitable access to environmental resources and recognizing the need to protect vulnerable communities.<sup>34</sup> Section 24 of the Constitution guarantees everyone the right to an environment that is not harmful to their health or well-being, underscoring the connection between environmental degradation and fundamental human rights.

India, on the other hand, employs a judicially creative interpretation of its Constitution to enforce socio-economic and environmental rights. Although the Directive Principles of State Policy in Part IV of the Indian Constitution are non-justiciable, the Indian Supreme Court has interpreted the right to life under Article 21 expansively to include the right to livelihood, health, clean water, and a pollution-free environment. In *Subhash Kumar v. State of Bihar AIR*,<sup>35</sup> the Court declared that the right to live includes the right to enjoy pollution-free water and air. Indian courts have also used Public Interest Litigation (PIL) as a tool to address poverty and environmental harm. For example, in *Olga Tellis v. Bombay*

---

<sup>29</sup> (ECW/CCJ/APP/08/09),

<sup>30</sup> (2006) 15 NWLR (Pt. 1003) 466

<sup>31</sup> E S Nwauche, *Justiciability of Socio-Economic Rights in Nigeria*. (Lagos: Fab Education Books, 2022).

<sup>32</sup> S Muralidhar, 'Economic, Social and Cultural Rights: An Indian Response to the Justiciability Debate.' *Sur - International Journal on Human Rights*, i2023ñ Vol. 2, No. 2, pp. 91–108.

<sup>33</sup> (2001) 1 SA 46 (CC).

<sup>34</sup> National Environmental Management Act (NEMA) Act 107 of 1998. Section 2.

<sup>35</sup> 1991 SC 420.

*Municipal Corporation*,<sup>36</sup> the Court held that eviction of pavement dwellers without alternative shelter violated their right to livelihood and life. This mirrors the socio-economic vulnerability that links poverty with inequality and environmental exploitation in developing societies.

In Nigeria, while also a constitutional democracy, has lagged behind in the enforceability of socio-economic rights. Chapter II of the *1999 Constitution* (as amended) outlines the Fundamental Objectives and Directive Principles of State Policy but renders them non-justiciable under Section 6(6)(c)<sup>37</sup>. However, the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act<sup>38</sup>, which has domestic force in Nigeria, provides a pathway to enforce socio-economic and environmental rights. Nigerian courts, however, have been slow to fully embrace this potential, with only few progressive rulings like *Gbemre v. Shell*<sup>39</sup> and *SERAP v. Nigeria*<sup>40</sup> at the ECOWAS Court standing out. The comparative lesson is clear: while India and South Africa have leveraged constitutional design and judicial activism to advance environmental justice and socio-economic rights, Nigeria remains constrained by constitutional limitations and inconsistent judicial enforcement. Strengthening justiciability, environmental regulation, and access to justice is essential to closing the gap between poverty, inequality, degradation, and human rights in Nigeria.

## 8. Conclusion and Recommendations

This study concludes that human rights law is an essential, albeit challenging framework for addressing the intertwined issues of poverty, environmental degradation and economic inequalities. The key finding is that viewing these issues as human rights violations rather than merely economic or social problem, creates a legal challenge. Its practical application is significantly hindered by the weak enforcement of the Nigerian Laws, legal inconsistencies and institutional challenges. Unfortunately, the current legal system, particularly the non-justiciability of key socio economic and environmental rights in the Nigerian Constitution has largely failed to break this vicious cycle. A major impediment is the classification of many environmental and socioeconomic rights as non-justiciable (Directive Principles of State Policy) within the Nigerian Constitution. This limits the ability of victims to seek effective judicial remedies. Judicial intervention has often been inconsistent, constrained by statutory and ambiguities and political influences.

The study highlights that a human right-based approach, focusing on the denial of basic rights like access to food, education, healthcare and a healthy environment, offers effective strategies for structural reform and poverty alleviation. Landmark cases such as the SERAP case against Nigeria, demonstrate the potential of judicial activism in reinforcing state obligations under international law, specifically the African Charter on Human and Peoples' Rights. Most of the current poverty alleviation and environmental protection policies have been insufficient because they often fail to address the root causes of inequality and lack robust enforcement mechanisms. In conclusion, the paper emphasizes that a genuine resolution requires moving beyond charity and ad-hoc interventions to fundamental legal and structural changes that ensures accountability and inclusive development. Ultimately, to effectively address this vicious cycle, the study recommends fundamental legal reforms in Nigeria, including:

- Amending the constitution to make socioeconomic rights and environmental rights fully justiciable. This would empower courts to directly enforce rights to housing, education, health, and a clean environment, as seen in South Africa.
- Strengthening institutional frameworks such as NESREA, the National Human Rights Commission, and the judiciary, and ensuring the sincere implementation of national and international treaties. This involves better funding, training, and autonomy to ensure these bodies can effectively combat environmental degradation and rights violations.

---

<sup>36</sup> (1985) 3 SCC 545,

<sup>37</sup> *Ibid.* CFRN 1999 Section 6(6)(c)

<sup>38</sup> African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria 2004, enacted in 1983.

<sup>39</sup> *Gbemre v Shell Petroleum Dev. Corp & NNPC* (2005) 6 AHRLR 152.

<sup>40</sup> *Serap v Federal Republic of Nigeria & ors.*, Suit No: ECW/CCJ/APP/08/09, (Ecowas Court, Dec 10, 2010).

- National development strategies should integrate environmental sustainability with poverty and inequality reduction. Policies should target vulnerable groups and promote equitable access to natural resources, clean energy, and social services.
- Judicial Activism and Public Interest Litigation: Nigerian courts should adopt a more expansive interpretation of rights, taking cues from the Indian and South African experiences. Civil society and legal practitioners should also be encouraged to use strategic litigation as a tool for social justice.
- Public Awareness and Education: Educating citizens, especially in rural and impoverished areas, on environmental conservation, their legal rights, and avenues for redress is critical. Public awareness campaigns and grassroots empowerment are key to community resilience and participation.
- Initiating strategy to curb corruption: An anti-corruption strategy should be initiated or adopted in various societies to strengthen human rights protection, reduce poverty, and promote environmental justice.