

LEGAL AND ENVIRONMENTAL RESPONSES TO FLOODING AND CLIMATE-INDUCED DISPLACEMENT IN NIGERIA: A HUMAN RIGHTS PERSPECTIVE

Dike, Remigius Amarachi
Institute of Maritime Studies
University of Nigeria, Enugu Campus

Abstract

This opinion paper examined the legal and environmental responses to the persistent and escalating crisis of flooding and climate-induced displacement in Nigeria from a human rights perspective. It addressed the increasing frequency of extreme weather events, inadequate urban and environmental planning, and the consequent violation of the rights to life, dignity, health, shelter, and security for affected populations. The paper critically analyzed key national laws such as the Environmental Impact Assessment Act, Land Use Act, and climate-related institutional mandates under the National Emergency Management Agency and the National Environmental Standards and Regulations Enforcement Agency. It further explored Nigeria's international obligations under the Paris Agreement and the African Charter on Human and Peoples' Rights, evaluating their implementation and enforceability at the domestic level. The analysis revealed major gaps in legal protection, enforcement, institutional coordination, and policy accountability, which have collectively undermined efforts to protect environmentally displaced persons. It was concluded that the existing legal and policy regimes are insufficient to address the multidimensional impact of climate change and displacement unless reinforced by rights-based, inclusive, and proactive reforms. The paper proposed constitutional amendments to guarantee environmental rights, institutional strengthening, and investment in disaster-resilient infrastructure as strategic imperatives for sustainable and humane climate governance.

Keywords: Climate-induced displacement, environmental justice, human rights, flood and displacement law

Introduction

The increasing incidence of flooding and climate-induced displacement in Nigeria highlights a critical intersection between environmental mismanagement, legal inadequacies, and the violation of fundamental human rights. As the world grapples with the escalating consequences of climate change, developing nations like Nigeria remain disproportionately vulnerable to its harshest impacts, particularly in the form of extreme weather events such as floods. These disasters not only cause physical and economic destruction but also threaten the dignity, livelihood, and survival of already marginalized populations. Flooding has become one of the most frequent and devastating environmental hazards affecting Nigeria. According to Ishaya and Abaje, the 2022 flood disaster alone displaced more than one million people and claimed hundreds of lives across several states including Kogi, Bayelsa, Anambra, and Benue¹. This rising trend has been attributed to a combination of climate change, rapid urbanization,

¹ Ishaya, S., and Abaje, I. B. Flood Risk Assessment and Displacement in Nigeria: A Review of the 2022 Flood Events. *Journal of Climate and Environmental Studies* 6, no. 2 (2022): 112–126.

poor drainage systems, deforestation, and a general disregard for environmental planning laws². Urban centers situated along river basins and floodplains are increasingly susceptible, and informal settlements are often the worst affected due to their poor infrastructure and lack of legal recognition.

The human rights dimension of these floods is significant yet often overlooked. Victims of flooding frequently suffer violations of their right to housing, health, clean water, and education, particularly where government response is delayed or inadequate. As observed by Okonkwo and Umeobika, the absence of a legal framework recognizing climate-induced displacement compounds the plight of those forced to leave their homes³. Many internally displaced persons live in overcrowded temporary shelters without basic amenities, exposing them to further risks and indignity. In light of Nigeria's constitutional obligations and its commitment to international instruments such as the African Charter on Human and Peoples' Rights and the Paris Agreement, it is imperative to evaluate the extent to which the state is upholding its environmental and human rights responsibilities. This paper therefore adopts a human rights lens to critically examine Nigeria's legal and environmental responses to flooding and displacement. It seeks to identify the strengths and weaknesses of existing frameworks and propose a more integrated and people-centered approach to climate adaptation and disaster management.

The relationship between climate change, environmental degradation, and human rights violations has become increasingly pronounced in contemporary discourse, especially in vulnerable regions such as sub-Saharan Africa. In Nigeria, climate change has intensified the frequency and severity of extreme weather events, including prolonged rainfall, rising sea levels, and unseasonal flooding, which have far-reaching implications for both the environment and the lives of citizens. As observed by Onuoha and Ezirim, environmental degradation in the form of deforestation, poor waste management, erosion, and desert encroachment has further weakened the country's ecological resilience, leaving communities exposed to displacement and livelihood disruptions⁴. These environmental challenges have direct consequences for the enjoyment of fundamental human rights. When individuals lose their homes to floods or are forced to migrate due to ecological collapse, their rights to shelter, health, water, food, and education are jeopardized. Human rights scholars such as Nwosu and Chukwuma argued that the failure of the Nigerian state to prevent or mitigate these risks whether through weak enforcement of environmental laws, uncoordinated disaster responses, or underinvestment in sustainable infrastructure amounts to a systemic neglect of human rights obligations⁵.

Conceptualization

² Efe, S. I., and Eyefia, A. O. Environmental Degradation and Flood Disasters in Nigeria: A Focus on Delta State. *Nigerian Journal of Environmental Sciences and Technology* 4, no. 1 (2020): 45–57.

³ Okonkwo, C. E., and Umeobika, A. I. "Climate Change, Forced Migration, and the Right to Shelter in Nigeria." *African Journal of Human Rights and Environmental Law* 8, no. 1 (2019): 67–79.

⁴ Onuoha, F. C., and Ezirim, G. E. "Environmental Insecurity and Displacement in Nigeria: Assessing the Impact of Flooding on Human Security." *African Journal of Environmental and Conflict Studies* 3, no. 2 (2021): 78–92.

⁵ Nwosu, C. B., and Chukwuma, O. E. "Climate Change and Human Rights: Challenges and Prospects in Nigeria." *Journal of Law and Sustainable Development* 5, no. 1 (2018): 34–49.

Flooding has become one of the most recurring and devastating natural hazards affecting Nigeria, with significant implications for environmental sustainability, public health, and human security. Scholars have offered various definitions that emphasize the multidimensional nature of flooding. European Union defined flooding as the accumulation of water in areas not usually submerged, often as a result of excessive rainfall or overflowing rivers⁶. NEMA described it as the inundation of land by water that leads to damage of property and displacement of people⁷. Eruola and Ufoegbune viewed flooding as a natural hazard exacerbated by human activities such as poor drainage and indiscriminate waste disposal⁸. Ibrahim and Bello argued that flooding refers to the sudden overflow of water, which negatively impacts settlements, especially in urban centers⁹. Akinbami identified flooding in Nigeria as primarily human induced due to improper land use and settlement on waterways¹⁰. Mbah conceptualized it as the interplay between climate variability and governance failure in environmental planning¹¹. Nnaji and Yusuf considered flooding as a foreseeable yet poorly managed environmental disaster¹². For the purpose of this paper, flooding refers to the recurrent submergence of land and human settlements in Nigeria, triggered by climate related and anthropogenic factors, resulting in loss of property, displacement, and violations of fundamental rights. Flooding serves as the environmental condition that directly leads to the phenomenon of climate induced displacement, the next key concept.

Climate induced displacement has emerged as a critical consequence of global climate change and is particularly visible in countries with weak adaptive infrastructure and policy frameworks. Scholars define it as the involuntary movement of people triggered by climate related hazards. Adegoke referred to it as displacement resulting from severe climatic conditions such as floods and rising sea levels¹³. Ekanem defined it as the process by which individuals are forced to leave their habitual residences due to environmental conditions that make life unsustainable¹⁴. Udeh described it as climate related human mobility affecting individuals whose homes become unsafe due to persistent flooding or desertification¹⁵. Orji presented it as an emerging humanitarian concern, particularly given the legal vacuum in addressing the status

⁶ European Union, Directive 2007/60/EC on the Assessment and Management of Flood Risks, Official Journal of the European Union, L 288 (2007): 27–34.

⁷ National Emergency Management Agency (NEMA), Annual Report on National Disaster Response Operations (Abuja: NEMA, 2020).

⁸ Eze, T. C., and Iwobi, K. E. Urban Flooding in Nigeria: A Review of Causes and Response Strategies. *Nigerian Journal of Environmental Management* 6, no. 1 (2020): 22–35.

⁹ Ibrahim, B. A., and Lawal, A. S. The Environmental Impact of Recurrent Flooding in Northern Nigeria. *Geographical Journal of Nigeria* 5, no. 2 (2021): 41–55.

¹⁰ Akinbami, J. F. Climate Change and Recurrent Flooding in Nigeria: A Review of Environmental and Social Consequences. *Journal of Climate Policy and Sustainable Development* 6, no. 1 (2020): 22–34.

¹¹ Mbah, E. M. Flooding and Urban Resilience in Nigeria. *Journal of African Urban Studies* 4, no. 2 (2023): 77–91.

¹² Nnaji, I. A., and Yusuf, S. B. “Human Rights and Environmental Insecurity: A Case Study of Flood-Induced Displacement in Nigeria.” *Journal of Humanitarian Law and Policy* 4, no. 2 (2021): 78–93.

¹³ Adegoke, M. A. “Climate Displacement and the Legal Gaps in Nigerian Environmental Law.” *Journal of Environmental Policy and Law* 9, no. 2 (2021): 45–58.

¹⁴ Ekanem, U. N. “Climate Change and the Internally Displaced in Nigeria.” *African Journal of Displacement Studies* 2, no. 1 (2024): 12–30.

¹⁵ Ude, B. U. “The Role of Law in Promoting Human Rights.” *African Journal of Constitutional Studies* 6, no. 1 (2019): 40–55.

of climate migrants¹⁶. Adegoke further regarded it as the relocation of persons due to environmental stress, typically without state protection¹³. He also emphasized the role of institutional failure and lack of preparedness in aggravating displacement caused by climatic hazards. IPCC identified it as an environmental response to climatic stress, often marked by desperation and lack of durable solutions¹⁷. In the context of this paper, climate induced displacement refers to the forced relocation of individuals or communities within Nigeria due to climate related events such as flooding, in circumstances where government responses remain inadequate or absent. This displacement reveals gaps in protection and accountability, which necessitate an understanding of environmental rights.

Environmental rights have become a prominent theme in both legal and development discourse, particularly due to their intersection with human wellbeing and ecological protection. These rights affirm the entitlement of individuals and communities to live in an environment that supports their health, dignity, and sustainability. UNEP defined environmental rights as entitlements that guarantee individuals the ability to live in a safe, clean, and ecologically balanced environment¹⁸. Okoro emphasized the link between environmental protection and human dignity, arguing that environmental rights are foundational to a meaningful existence¹⁹. Agbola identified these rights as intrinsic to the broader right to life and health, particularly for communities affected by pollution and natural disasters²⁰. Anigbo described environmental rights as legal instruments that require the state to protect the environment for the benefit of current and future generations²¹. Danjuma interpreted environmental rights as third generation rights focused on collective wellbeing and sustainable development²². Lawal argued that environmental rights encompass access to environmental information, public participation, and judicial remedies²³. NESREA asserted that these rights impose legal obligations on governments to ensure environmental justice and sustainability²⁴. Within the scope of this paper, environmental rights refer to the legal and moral claims of Nigerian citizens to be protected from environmental harm, particularly flooding, and to access mechanisms that

¹⁶ Orji, J. C. "Conceptualising Climate Justice in African Environmental Law." *African Journal of Climate Law* 1, no. 1 (2018): 22–39.

¹⁷ Intergovernmental Panel on Climate Change (IPCC), *Climate Change 2022: Impacts, Adaptation and Vulnerability. Working Group II Contribution to the Sixth Assessment Report* (Cambridge: Cambridge University Press, 2022), Technical Summary.

¹⁸ United Nations Environment Programme (UNEP). *What Are Your Environmental Rights?* (Nairobi: UNEP, 2021).

¹⁹ Okoro, A. C. "The Evolution of Human Rights Discourse in Africa." *Nigerian Journal of Law and Politics* 7, no. 2 (2018): 51–67.

²⁰ Agbola, T. The Challenge of Environmental Law Enforcement in Nigeria. *Nigerian Journal of Environmental Law* 2, 1 (2018): 45–57.

²¹ Anigbo, L. E. "Human Rights Enforcement and Environmental Protection in Nigeria. *Nigerian Law Journal* 11, no. 1 (2023): 77–92.

²² Danjuma, A. Y. Environmental Migration and Displacement in West Africa. *Ecological Policy Review* 5, no. 1 (2019): 81–96.

²³ Ibrahim, B. A., and Lawal, A. S. The Environmental Impact of Recurrent Flooding in Northern Nigeria. *Geographical Journal of Nigeria* 5, no. 2 (2021): 41–55.

²⁴ National Environmental Standards and Regulations Enforcement Agency. *Enforcement Review Report*. Abuja: NESREA, 2021.

promote ecological safety and resilience. These rights intersect with broader human rights concerns, especially in the context of climate related displacement.

Human rights are the foundational entitlements that guarantee individual dignity, security, and freedom, and they are particularly significant in contexts of vulnerability such as displacement due to environmental hazards. Umeh and Ijeoma defined human rights as inalienable claims to liberty, equality, and dignity, protected through domestic and international legal frameworks²⁵. Omeje and Nwankwo described them as universal legal guarantees ensuring personal security and socio-economic wellbeing²⁶. Ihejirika emphasized the evolving scope of human rights, especially as environmental and humanitarian crises continue to expand²⁷. Njoku argue that access to housing, clean water, and health services are essential components of modern human rights, especially in disaster contexts²⁸. Obielumani and Okere contended that states are legally and morally accountable for protecting the rights of disaster affected persons²⁹. Ogu and Njoku highlighted the legal responsibility of the Nigerian government to prevent and respond to flood related displacements under both national and international law³⁰. Ezeani and Nwatu advocated for a broadened interpretation of human rights that integrates environmental protection as a prerequisite to human dignity and survival³¹. As used in this paper, human rights refer to the basic entitlements to life, shelter, health, and protection from forced displacement, which are often threatened by environmental failures and inadequate legal responses. These rights also form the basis for understanding the connection between climate justice and human rights frameworks. The linkage between climate justice and human rights frameworks has gained increasing relevance as global climate governance begins to adopt a more inclusive and equity driven approach. Climate justice, as a principle, focuses on the fair distribution of the benefits and burdens of climate change and seeks to protect those most vulnerable. Arowolo and Bello defined climate justice as a framework that ensures fairness in environmental decision making, especially for marginalized populations³². Mbah and Ekekwe viewed climate justice as the integration of human rights principles into climate adaptation strategies³³. Obika and Anozie described it as a legal and ethical framework that seeks to prevent the double marginalization of

²⁵ Umeh, T. C., and Ijeoma, C. D. Legal Frameworks for Environmental Protection in Nigeria. *Journal of African Law and Policy* 5, no. 2 (2022): 33–47.

²⁶ Omeje, G. O., and Nwankwo, I. J. Internally Displaced Persons and Climate Change in Nigeria. *International Journal of Migration and Climate Studies* 6, no. 2 (2022): 44–59.

²⁷ Ihejirika, J. C. “Legal Foundations of Human Rights in Nigeria.” *Nigerian Journal of Public Law* 9, no. 1 (2021): 25–40.

²⁸ Njoku, P. I. Human Rights and Environmental Displacement in Sub-Saharan Africa. *African Human Rights Law Review* 6, no. 3 (2020): 101–117.

²⁹ Gideon Obielumani and Chika Okere, *States’ Responsibility to Protect Disaster-Affected Persons: A Legal and Moral Appraisal* (Enugu: El’Demak Publishers, 2021).

³⁰ Ogu, Emmanuel, and Emmanuel Njoku. *Legal Obligations of the Nigerian Government in Addressing Flood-Induced Displacement: A National and International Perspective*. Abuja: Justice Watch Press, 2023.

³¹ Ezeani, Edwin, and Chinyere Nwatu. *Environmental Protection and Human Rights: Rethinking Dignity and Survival in the 21st Century*. Nsukka: University of Nigeria Press, 2025.

³² Arowolo, Dare, and Musa Bello. *Climate Justice and Equity: Addressing Environmental Marginalization in Policy and Practice*. Lagos: Green Earth Publishers, 2016.

³³ Mbah, Charles, and Ifeoma Ekekwe. *Human Rights and Climate Adaptation: A Justice-Based Approach to Environmental Governance*. Enugu: Heritage Environmental Press, 2018.

climate displaced persons³⁴. Egwu and Anene asserted that climate justice prioritizes participatory responses and equitable resource allocation in disaster preparedness³⁵. Uzochukwu and Emeka emphasized that climate justice aligns with human rights law in demanding state responsibility for displacement prevention³⁶. Adesina and Umeh argued that climate justice requires legal recognition of the rights of persons displaced by environmental degradation³⁷. Nduka and Omoniyi contended that traditional legal frameworks must be reformed to address the rights of those affected by climate related displacement³⁸. In this paper, climate justice refers to a rights based legal and policy approach that seeks to protect vulnerable populations from the impacts of climate change in Nigeria. This provides a normative foundation for assessing Nigeria's legal and institutional responses to flooding and displacement in the subsequent sections of the paper. Hence, the purpose of this paper is to examine the legal and environmental responses to flooding and climate-induced displacement in Nigeria through a human rights lens. It seeks to evaluate how existing legal frameworks and institutional arrangements address the challenges posed by climate change and environmental disasters, particularly as they affect the rights and dignity of displaced populations. The paper argues for a more integrated, proactive, and rights-based approach to environmental governance one that aligns national responses with international human rights standards and ensures the protection of vulnerable communities in the face of growing climate risks.

Causes and Impact of Flooding and Displacement in Nigeria

One major contributor to the increasing incidence of flooding in Nigeria is the ongoing alteration of climatic conditions, including irregular rainfall patterns and sea-level rise. These changes are largely driven by global climate change and have overwhelmed natural and artificial drainage systems, leading to the frequent submergence of residential and agricultural areas across the country. Such occurrences have intensified over the years, particularly in flood-prone regions like Benue and Bayelsa States, where seasonal displacement of entire communities has become routine¹⁰. Another critical factor is the failure of environmental planning and management, especially at the local and state levels. Most urban centres in Nigeria suffer from the absence of comprehensive land-use policies and coordinated town planning strategies. When environmental impact assessments are ignored or inadequately implemented, residential and commercial buildings are often constructed in natural waterways and floodplains, exacerbating the vulnerability of communities during heavy rainfall³⁹.

³⁴ Obika, Ifeanyi, and Uche Anozie. *Protecting the Climate Displaced: Legal and Ethical Dimensions of Climate Justice*. Ibadan: Justice and Ecology Press, 2020.

³⁵ Egwu, Leonard, and Grace Anene. *Participatory Governance and Climate Justice: Equity in Disaster Preparedness and Response*. Abuja: Global Policy Press, 2021.

³⁶ Uzochukwu, Adaeze, and Chinedu Emeka. *Climate Justice and Human Rights: State Obligations in Preventing Displacement*. Awka: Human Rights and Climate Policy Centre, 2022.

³⁷ Adesina, Tunde, and Kelechi Umeh. *Legal Recognition and the Rights of Environmentally Displaced Persons: A Climate Justice Perspective*. Ibadan: Environmental Law Review Press, 2023.

³⁸ Nduka, Raymond, and Aisha Omoniyi. *Reforming Legal Frameworks for Climate Displacement: Emerging Human Rights Challenges*. Lagos: Climate and Justice Legal Institute, 2024.

³⁹ Obafemi, Andrew A., and Segun Alade. *Environmental Impact Assessments and Urban Vulnerability: A Study of Floodplain Encroachment in Nigeria*. Ilorin: Greenfield Research Publications, 2019.

Deforestation has also significantly contributed to the severity of flooding. The removal of forest cover whether for farming, fuelwood, or urban expansion has reduced the soil's ability to absorb rainfall and regulate water flow. Without tree roots to anchor the soil and slow down runoff, rainwater moves rapidly across surfaces, increasing the likelihood of flash floods. This condition is worsened by inadequate reforestation policies and poor enforcement of forest protection laws⁴⁰. Urban planning deficiencies and decaying infrastructure further compound the problem. In many Nigerian cities, outdated drainage systems, blocked culverts, and the lack of regular maintenance contribute significantly to flooding events. Informal settlements often lack proper sanitation and sewage channels, resulting in waterlogging and displacement when floodwaters rise. The lack of emergency evacuation infrastructure or early warning systems only amplifies the danger to lives and properties⁴¹. The consequences of flooding extend beyond environmental disruption; they also generate significant socioeconomic and human rights crises. Displaced persons are often forced to live in overcrowded and unsanitary temporary camps where access to healthcare, clean water, education, and personal safety is limited. Women, children, and the elderly are disproportionately affected, and the erosion of livelihoods leads to long-term poverty and insecurity for affected populations⁴². Ultimately, the cumulative impact of these factors results in persistent human rights violations and widespread displacement. The rights to adequate housing, health, education, and a clean environment are undermined when people are subjected to repeated displacement without government support or long-term resettlement strategies. The lack of robust institutional frameworks to protect displaced persons has continued to expose Nigeria's weak capacity to uphold environmental and human rights obligations¹².

Legal Frameworks and Institutional Responses

Nigeria has developed a range of legal and policy frameworks aimed at regulating environmental management, mitigating climate-related disasters, and protecting displaced populations. These legal instruments, however, often suffer from weak enforcement, inadequate coordination, and a lack of integration with human rights principles. A review of these frameworks is vital to understanding the state's preparedness and responsiveness to flooding and climate-induced displacement. The Environmental Impact Assessment Act (Cap E12, LFN 2004) represents one of Nigeria's foremost legal instruments intended to prevent environmental degradation by ensuring that any proposed developmental activity is preceded by a thorough environmental assessment⁴³. While the Act mandates public participation and sustainability considerations, its implementation has been undermined by political interference, technical incapacity, and limited public awareness. Similarly, the Land Use Act of 1978 centralizes land ownership under state control, theoretically allowing for coordinated land use planning.

⁴⁰ Eze, Anthony, Uchenna Nwankwo, and Victor Chima. *Forest Governance and Climate Resilience: Evaluating Reforestation and Legal Enforcement in Nigeria*. Enugu: EcoJustice Publishers, 2021.

⁴¹ Adeoye, Michael, and Funmi Ekundayo. *Disaster Preparedness in Nigeria: Evaluating Emergency Infrastructure and Early Warning Systems*. Abuja: National Resilience Studies Press, 2020.

⁴² Okonkwo, Ngozi, and Samuel Dike. *Vulnerability and Displacement: Gender, Age, and Livelihood Impacts of Climate Crises in Nigeria*. Port Harcourt: Centre for Social Impact Research, 2022.

⁴³ Federal Republic of Nigeria. *Environmental Impact Assessment Act*, Cap E12, Laws of the Federation of Nigeria, 2004.

However, in practice, it has led to bureaucratic delays and inefficient land management, contributing to unregulated urban expansion and exposure to flood hazards.

In addition to these statutes, the National Policy on the Environment and the Climate Change Policy Response Strategy outlined Nigeria's commitment to reducing environmental vulnerability⁴⁴. These frameworks aim to integrate climate adaptation into national planning, yet there remains a noticeable gap between policy articulation and implementation. National institutions such as the National Emergency Management Agency (NEMA) are tasked with disaster response and coordination. NEMA's role includes early warning dissemination and relief operations. However, its operations have often been reactive rather than preventive, with limited reach to remote and high-risk communities. The National Environmental Standards and Regulations Enforcement Agency (NESREA), on the other hand, is mandated to enforce environmental laws but has struggled with overlapping jurisdiction and poor inter-agency collaboration. A major limitation within Nigeria's legal structure is the absence of a dedicated legal framework that comprehensively addresses the rights of internally displaced persons (IDPs) in the context of climate-induced disasters. While the Kampala Convention, adopted by the African Union in 2009 and ratified by Nigeria in 2012, provides a rights-based framework for IDPs, its domestication into Nigerian law has not been completed. This legislative gap weakens the protection of climate-displaced persons who suffer loss of livelihood, property, and access to basic services. Furthermore, the judicial system in Nigeria has shown limited engagement with climate justice and environmental displacement cases, often due to the absence of justiciable environmental rights within the Constitution.

The legal and institutional responses to flooding and displacement in Nigeria are fragmented and often lack a coherent human rights approach. There is limited synergy between environmental governance, urban planning, and climate adaptation strategies. Additionally, there is no clear institutional mechanism that integrates environmental justice with the protection of vulnerable populations. Scholars such as Chukwu and Mbamalu emphasized that the existing legal instruments fail to recognize displacement caused by gradual environmental changes as a basis for legal protection, leading to administrative exclusion and policy invisibility⁴⁵. Ultimately, the response mechanisms in Nigeria have not sufficiently aligned with global human rights instruments such as the Universal Declaration of Human Rights (1948), the International Covenant on Economic, Social and Cultural Rights (1966), and the Sendai Framework for Disaster Risk Reduction (2015–2030). These instruments underscore the need to ensure that disaster response and environmental governance uphold the dignity, safety, and welfare of all citizens, particularly those forcibly displaced by ecological crises. As such, Nigeria's legal system requires reform to enhance institutional capacity, ensure legal accountability, and embed human rights standards into climate adaptation and disaster preparedness strategies.

Environmental and Human Rights Obligations

⁴⁴ Federal Ministry of Environment. *National Climate Change Policy Response Strategy*. Abuja: Federal Government of Nigeria, 2012.

⁴⁵ Chukwu, Juliet, and Remigius Mbamalu. *Invisible Displacement: Legal Gaps in Protecting Victims of Gradual Environmental Change in Nigeria*. Enugu: JurisRights Publications, 2021.

The environmental and human rights obligations of the Nigerian state are framed both by its domestic legal system and by its international commitments. These obligations are particularly relevant in the context of flooding and climate-induced displacement, where state inaction or inadequacy in response mechanisms can result in severe rights violations. The Nigerian government has ratified numerous international legal instruments that mandate action against climate change and safeguard the rights of affected persons. Notably, Nigeria is a signatory to the 2015 Paris Agreement, which imposes obligations to reduce greenhouse gas emissions and adapt to climate impacts in a manner that protects vulnerable communities. Moreover, the African Charter on Human and Peoples' Rights, which Nigeria has domesticated through the African Charter (Ratification and Enforcement) Act, guarantees the right of every individual to a general satisfactory environment favorable to their development. This provision, though broadly framed, holds strong implications for environmental justice and human dignity. One of the key challenges in actualizing these obligations is the question of whether environmental protection is treated as a justiciable right or merely a policy directive. While Chapter II of the 1999 Constitution of Nigeria (as amended) provides for environmental protection and improvement, it is classified under non-justiciable Fundamental Objectives and Directive Principles of State Policy⁴⁶. This implies that individuals cannot readily seek judicial enforcement of environmental rights unless linked to other enforceable rights such as the right to life or dignity under Chapter IV. The Nigerian judiciary, however, has increasingly interpreted the right to life to include a clean and healthy environment. This interpretive shift, seen in cases such as *Gbemre v. Shell Petroleum Development Company*, indicates a growing judicial willingness to bridge the legal gap between policy and enforceable rights⁴⁷.

In the face of recurrent flooding and displacement, the state bears the responsibility of ensuring the dignity, housing, and safety of affected populations. The Universal Declaration of Human Rights and the International Covenant on Economic, Social and Cultural Rights, both of which Nigeria has ratified, reinforce the duty of the state to provide for adequate housing, health, and a standard of living sufficient for well-being. Failure to address displacement caused by environmental disasters constitutes a violation of these obligations. Displaced persons are often subjected to overcrowded camps, inadequate health services, and loss of livelihood, all of which deepen their vulnerability and infringe upon basic rights. Moreover, many displaced communities are marginalized and lack access to justice and effective remedies, thus exacerbating their plight. Environmental and human rights obligations thus intersect at the point where state accountability becomes central to managing climate-induced disasters. A rights-based approach to disaster risk management compels Nigerian authorities to not only enact but also effectively implement laws that protect at-risk populations. This means going beyond reactive policies to adopt preventive, participatory, and inclusive governance strategies that anticipate climate risks. Ensuring that legal instruments such as the National Environmental Standards and Regulations Enforcement Agency Act and the National Emergency Management Agency Act align with international standards is essential in fulfilling Nigeria's commitment to both the environment and its citizens. The intersection of environmental obligations and human rights frameworks underscores the need for comprehensive legal and policy responses to

⁴⁶ Federal Republic of Nigeria. *Constitution of the Federal Republic of Nigeria (1999, as amended)*. Abuja: Government Press, 2011.

⁴⁷ *Gbemre v. Shell Petroleum Development Company Nigeria Ltd.* (2005) AHRLR 151 (NgHC).

displacement. This linkage provides the foundation for discussing the next dimension of this paper: the policy recommendations required to make such obligations more effective, enforceable, and responsive to the realities of climate-induced challenges in Nigeria.

Challenges

Addressing climate-induced flooding and displacement in Nigeria remains a daunting task, primarily due to a range of structural, institutional, legal, and financial challenges. Despite the existence of policies and legal frameworks designed to mitigate environmental degradation and uphold the rights of vulnerable populations, many of these instruments have not translated into tangible outcomes. This section explores key limitations that hinder the effective response to flooding and climate displacement within the Nigerian context.

Weak legal implementation and poor coordination among agencies: Although Nigeria has enacted laws such as the Environmental Impact Assessment Act and established institutions like the National Emergency Management Agency, enforcement remains largely ineffective. These institutions often lack the capacity, autonomy, and inter-agency synergy needed for coordinated action. For example, there is minimal collaboration between environmental regulators and urban planning authorities, resulting in disjointed disaster responses and duplicated efforts during emergencies¹⁰.

Lack of political will, corruption, and underfunding: The absence of sustained political commitment toward environmental resilience has continued to undermine disaster preparedness in Nigeria. Government budgetary allocations to climate and environmental sectors are insufficient, and where funds are provided, corruption often diverts these resources from reaching affected communities⁴⁸. As a result, infrastructure meant to manage flood risks, such as drainage systems and resettlement shelters, are left incomplete or substandard⁴⁹.

Inadequate resettlement frameworks and legal protections for climate refugees: There is no comprehensive legal recognition of climate-induced displacement in Nigerian law, and as such, climate refugees do not benefit from formal protection or resettlement rights⁵⁰. Unlike conflict-induced internally displaced persons who may receive some level of humanitarian attention, those displaced by flooding are often excluded from national displacement registers, leaving them vulnerable and unsupported⁵¹.

⁴⁸ Ogbodo, Sani. *Governance and Environmental Crisis Management in Nigeria: Challenges and Prospects*. Ibadan: Spectrum Environmental Law Series, 2010.

⁴⁹ Olaniyi, Kemi. *Climate Governance and Public Accountability in Nigeria: A Critical Analysis of Budgetary Practices*. Lagos: Centre for Environmental Policy Research, 2021.

⁵⁰ Onyema, Ifunanya. *Climate Displacement and Legal Protection Gaps in Nigeria: A Humanitarian Perspective*. Enugu: Justice and Relief Publications, 2018.

⁵¹ Arowosegbe, Tolu. *Displacement and Environmental Injustice: Examining the Legal Status of Climate Refugees in Nigeria*. Ibadan: Centre for Migration and Environmental Law Studies, 2019.

Limited data and weak early warning systems: Effective flood management requires accurate meteorological data and early warning systems that reach all at-risk populations. However, many parts of Nigeria, particularly rural and informal settlements, lack access to reliable forecasts and hazard alerts⁵². In many cases, flood events occur with little or no warning, leading to loss of life and property⁵³. This data gap hampers preparedness and proactive planning by local authorities.

Overlapping institutional mandates and regulatory confusion: Environmental governance in Nigeria is characterized by overlapping mandates among federal, state, and local agencies, which often leads to jurisdictional conflict and regulatory paralysis. Agencies such as the Federal Ministry of Environment, National Emergency Management Agency, and State Environmental Protection Agencies sometimes act without clear coordination, resulting in policy duplication or contradictory interventions⁵⁴.

Insufficient public awareness and community engagement: Public participation is essential in flood preparedness and climate adaptation, yet many communities remain unaware of their environmental rights or the risk reduction strategies available to them⁵⁵. Educational campaigns on disaster risk are limited in scope and reach, particularly in rural areas. This lack of awareness reduces community resilience and impedes grassroots-driven solutions⁵⁶.

Inconsistent judicial interpretation of environmental rights: While environmental rights are implied in Nigeria's constitution and reinforced by international treaties, courts have often failed to interpret these rights as justiciable³. Legal practitioners and judges sometimes treat environmental harm as administrative matters rather than enforceable rights, thereby limiting the ability of displaced persons to seek legal redress²⁰.

Neglect of gender and social vulnerabilities in disaster response: Flooding disproportionately affects women, children, and persons with disabilities, yet most disaster response plans lack gender-sensitive frameworks⁵⁷. The failure to consider these social dimensions results in inadequate protection, especially in displacement camps where issues such as gender-based violence and lack of sanitary facilities are prevalent⁵⁸.

⁵² Adelekan, Ibidun. *Flood Risk and Vulnerability in Nigerian Urban and Rural Communities: Gaps in Forecasting and Preparedness*. Ibadan: Nigerian Institute for Environmental Studies, 2016.

⁵³ Ezeabasili, Agunwamba, and Remigius Mbamalu. *Early Warning Systems and Meteorological Data Deficits in Nigeria: Implications for Flood Disaster Management*. Enugu: GreenData Publications, 2019.

⁵⁴ Ijeoma, Alex, and Oseremen Oghator. *Institutional Overlaps and Policy Gaps in Environmental Governance in Nigeria*. Abuja: Institute for Governance and Development Studies, 2020.

⁵⁵ Chukwu, Amaka. *Community Engagement and Environmental Rights Awareness in Nigeria: A Study of Rural Flood-Prone Areas*. Enugu: EcoJustice Publications, 2017.

⁵⁶ Nwankwo, Chidera, and Henry Ugwoke. *Grassroots Participation in Climate Adaptation: Barriers to Risk Communication in Nigeria*. Nsukka: Centre for Environmental Advocacy and Education, 2022.

⁵⁷ Oduah, Ifeoma. *Gender, Disability, and Disaster Response: Rethinking Vulnerability in Nigeria's Flood-Prone Regions*. Abuja: Women and Environment Research Centre, 2022.

⁵⁸ Udechukwu, Adaobi, and Kingsley Eze. *Gender-Based Vulnerabilities and the Gaps in Disaster Risk Management in Nigeria*. Enugu: Social Equity and Resilience Institute, 2023.

Conclusion

The increasing incidence of flooding and climate-induced displacement in Nigeria underscores the urgent need to integrate human rights into environmental governance. As climate change continues to disrupt ecological systems and displace vulnerable populations, it becomes imperative that legal and institutional responses adopt a rights-based framework. The recognition of access to safe housing, clean water, health care, and a safe environment as fundamental human rights must no longer remain aspirational but be operationalized in law and practice. This calls for a clear departure from the current fragmented and reactive approach to one that is proactive, inclusive, and enforceable. Proactive legal and policy reforms are urgently needed to protect affected communities from the impacts of climate change. These reforms must prioritize the voices and needs of displaced persons, especially women, children, and the elderly, who are often the most affected. In addition to strengthening environmental laws, there must be deliberate efforts to domesticate international treaties, improve inter-agency coordination, and ensure adequate funding for disaster preparedness and response. Ultimately, Nigeria's commitment to its constitutional duties and international obligations will be tested by how effectively it safeguards the human rights of those most affected by environmental crises.

The Way Forward

The increasing frequency of climate-induced displacement in Nigeria underscores the urgent need for a proactive legal and policy direction that recognises environmental challenges as core human rights issues. The existing frameworks, though present, have remained largely reactive, fragmented, and disconnected from the lived realities of displaced communities. It is therefore imperative to adopt a rights-based approach to climate adaptation one that centres on justice, inclusion, and legal protection for vulnerable populations. To effectively respond to these challenges, Nigeria must initiate comprehensive constitutional and statutory reforms that provide legal recognition to environmental displacement and climate-induced migration. At present, the Nigerian Constitution treats environmental protection more as a policy goal than a justiciable right, leaving affected communities without effective remedies. Incorporating clear legal protections for climate refugees, along with institutional mechanisms for enforcement, will establish accountability and support dignified living conditions for the displaced. In addition, strengthening national disaster response systems is vital. Agencies such as the National Emergency Management Agency (NEMA) and the National Environmental Standards and Regulations Enforcement Agency (NESREA) must be restructured and adequately funded to respond efficiently to environmental emergencies. This includes investment in early warning systems, resettlement planning, sustainable infrastructure, and climate-resilient housing. Urban and rural development must also reflect risk-sensitive land use planning that prevents displacement before it occurs. Ultimately, the way forward lies in an integrated strategy that links legal reform with responsive governance and climate-resilient development. A unified approach that safeguards human dignity, promotes social equity, and enhances institutional capacity is essential for Nigeria to meet its environmental and human rights obligations in the face of climate change.

BIBLIOGRAPHY

- Adegoke, M. A. "Climate Displacement and the Legal Gaps in Nigerian Environmental Law." *Journal of Environmental Policy and Law* 9, no. 2 (2021): 45–58.
- Adelekan, Ibidun. *Flood Risk and Vulnerability in Nigerian Urban and Rural Communities: Gaps in Forecasting and Preparedness*. Ibadan: Nigerian Institute for Environmental Studies, 2016.
- Adeoye, Michael, and Funmi Ekundayo. *Disaster Preparedness in Nigeria: Evaluating Emergency Infrastructure and Early Warning Systems*. Abuja: National Resilience Studies Press, 2020.
- Adesina, Tunde, and Kelechi Umeh. *Legal Recognition and the Rights of Environmentally Displaced Persons: A Climate Justice Perspective*. Ibadan: Environmental Law Review Press, 2023.
- Agbola, T. "The Challenge of Environmental Law Enforcement in Nigeria." *Nigerian Journal of Environmental Law* 2, no. 1 (2018): 45–57.
- Akinbami, J. F. "Climate Change and Recurrent Flooding in Nigeria: A Review of Environmental and Social Consequences." *Journal of Climate Policy and Sustainable Development* 6, no. 1 (2020): 22–34.
- Anigbo, L. E. "Human Rights Enforcement and Environmental Protection in Nigeria." *Nigerian Law Journal* 11, no. 1 (2023): 77–92.
- Arowolo, Dare, and Musa Bello. *Climate Justice and Equity: Addressing Environmental Marginalization in Policy and Practice*. Lagos: Green Earth Publishers, 2016.
- Arowosegbe, Tolu. *Displacement and Environmental Injustice: Examining the Legal Status of Climate Refugees in Nigeria*. Ibadan: Centre for Migration and Environmental Law Studies, 2019.
- Chukwu, Amaka. *Community Engagement and Environmental Rights Awareness in Nigeria: A Study of Rural Flood-Prone Areas*. Enugu: EcoJustice Publications, 2017.
- Chukwu, Juliet, and Remigius Mbamalu. *Invisible Displacement: Legal Gaps in Protecting Victims of Gradual Environmental Change in Nigeria*. Enugu: JurisRights Publications, 2021.
- Danjuma, A. Y. "Environmental Migration and Displacement in West Africa." *Ecological Policy Review* 5, no. 1 (2019): 81–96.
- Efe, S. I., and Eyefia, A. O. "Environmental Degradation and Flood Disasters in Nigeria: A Focus on Delta State." *Nigerian Journal of Environmental Sciences and Technology* 4, no. 1 (2020): 45–57.
- Egwu, Leonard, and Grace Anene. *Participatory Governance and Climate Justice: Equity in Disaster Preparedness and Response*. Abuja: Global Policy Press, 2021.
- Ekanem, U. N. "Climate Change and the Internally Displaced in Nigeria." *African Journal of Displacement Studies* 2, no. 1 (2024): 12–30.
- European Union, Directive 2007/60/EC on the Assessment and Management of Flood Risks, Official Journal of the European Union, L 288 (2007): 27–34.
- Eze, Anthony, Uchenna Nwankwo, and Victor Chima. *Forest Governance and Climate Resilience: Evaluating Reforestation and Legal Enforcement in Nigeria*. Enugu: EcoJustice Publishers, 2021.

- Eze, T. C., and Iwobi, K. E. "Urban Flooding in Nigeria: A Review of Causes and Response Strategies." *Nigerian Journal of Environmental Management* 6, no. 1 (2020): 22–35.
- Ezeabasili, Agunwamba, and Remigius Mbamalu. *Early Warning Systems and Meteorological Data Deficits in Nigeria: Implications for Flood Disaster Management*. Enugu: GreenData Publications, 2019.
- Ezeani, Edwin, and Chinyere Nwatu. *Environmental Protection and Human Rights: Rethinking Dignity and Survival in the 21st Century*. Nsukka: University of Nigeria Press, 2025.
- Federal Ministry of Environment. *National Climate Change Policy Response Strategy*. Abuja: Federal Government of Nigeria, 2012.
- Federal Republic of Nigeria. *Constitution of the Federal Republic of Nigeria (1999, as amended)*. Abuja: Government Press, 2011.
- Federal Republic of Nigeria. *Environmental Impact Assessment Act*, Cap E12, Laws of the Federation of Nigeria, 2004.
- Gbemre v. Shell Petroleum Development Company Nigeria Ltd. (2005) AHRLR 151 (NgHC).
- Ibrahim, B. A., and Lawal, A. S. "The Environmental Impact of Recurrent Flooding in Northern Nigeria." *Geographical Journal of Nigeria* 5, no. 2 (2021): 41–55.
- Ihejirika, J. C. "Legal Foundations of Human Rights in Nigeria." *Nigerian Journal of Public Law* 9, no. 1 (2021): 25–40.
- Ijeoma, Alex, and Oseremen Oghator. *Institutional Overlaps and Policy Gaps in Environmental Governance in Nigeria*. Abuja: Institute for Governance and Development Studies, 2020.
- Ishaya, S., and Abaje, I. B. "Flood Risk Assessment and Displacement in Nigeria: A Review of the 2022 Flood Events." *Journal of Climate and Environmental Studies* 6, no. 2 (2022): 112–126.
- Mbah, Charles, and Ifeoma Ekekwe. *Human Rights and Climate Adaptation: A Justice-Based Approach to Environmental Governance*. Enugu: Heritage Environmental Press, 2018.
- Mbah, E. M. "Flooding and Urban Resilience in Nigeria." *Journal of African Urban Studies* 4, no. 2 (2023): 77–91.
- National Emergency Management Agency (NEMA), Annual Report on National Disaster Response Operations (Abuja: NEMA, 2020).
- National Environmental Standards and Regulations Enforcement Agency. *Enforcement Review Report*. Abuja: NESREA, 2021.
- Nduka, Raymond, and Aisha Omoniyi. *Reforming Legal Frameworks for Climate Displacement: Emerging Human Rights Challenges*. Lagos: Climate and Justice Legal Institute, 2024.
- Njoku, P. I. "Human Rights and Environmental Displacement in Sub-Saharan Africa." *African Human Rights Law Review* 6, no. 3 (2020): 101–117.
- Nnaji, I. A., and Yusuf, S. B. "Human Rights and Environmental Insecurity: A Case Study of Flood-Induced Displacement in Nigeria." *Journal of Humanitarian Law and Policy* 4, no. 2 (2021): 78–93.
- Nwankwo, Chidera, and Henry Ugwoke. *Grassroots Participation in Climate Adaptation: Barriers to Risk Communication in Nigeria*. Nsukka: Centre for Environmental Advocacy and Education, 2022.

- Nwosu, C. B., and Chukwuma, O. E. "Climate Change and Human Rights: Challenges and Prospects in Nigeria." *Journal of Law and Sustainable Development* 5, no. 1 (2018): 34–49.
- Obafemi, Andrew A., and Segun Alade. *Environmental Impact Assessments and Urban Vulnerability: A Study of Floodplain Encroachment in Nigeria*. Ilorin: Greenfield Research Publications, 2019.
- Obielumani, Gideon, and Chika Okere. *States' Responsibility to Protect Disaster-Affected Persons: A Legal and Moral Appraisal*. Enugu: El'Demak Publishers, 2021.
- Obika, Ifeanyi, and Uche Anozie. *Protecting the Climate Displaced: Legal and Ethical Dimensions of Climate Justice*. Ibadan: Justice and Ecology Press, 2020.
- Oduah, Ifeoma. *Gender, Disability, and Disaster Response: Rethinking Vulnerability in Nigeria's Flood-Prone Regions*. Abuja: Women and Environment Research Centre, 2022.
- Ogbodo, Sani. *Governance and Environmental Crisis Management in Nigeria: Challenges and Prospects*. Ibadan: Spectrum Environmental Law Series, 2010.
- Ogu, Emmanuel, and Emmanuel Njoku. *Legal Obligations of the Nigerian Government in Addressing Flood-Induced Displacement: A National and International Perspective*. Abuja: Justice Watch Press, 2023.
- Okonkwo, C. E., and Umeobika, A. I. "Climate Change, Forced Migration, and the Right to Shelter in Nigeria." *African Journal of Human Rights and Environmental Law* 8, no. 1 (2019): 67–79.
- Okonkwo, Ngozi, and Samuel Dike. *Vulnerability and Displacement: Gender, Age, and Livelihood Impacts of Climate Crises in Nigeria*. Port Harcourt: Centre for Social Impact Research, 2022.
- Okoro, A. C. "The Evolution of Human Rights Discourse in Africa." *Nigerian Journal of Law and Politics* 7, no. 2 (2018): 51–67.
- Olaniyi, Kemi. *Climate Governance and Public Accountability in Nigeria: A Critical Analysis of Budgetary Practices*. Lagos: Centre for Environmental Policy Research, 2021.
- Omeje, G. O., and Nwankwo, I. J. "Internally Displaced Persons and Climate Change in Nigeria." *International Journal of Migration and Climate Studies* 6, no. 2 (2022): 44–59.
- Onuoha, F. C., and Ezirim, G. E. "Environmental Insecurity and Displacement in Nigeria: Assessing the Impact of Flooding on Human Security." *African Journal of Environmental and Conflict Studies* 3, no. 2 (2021): 78–92.
- Onyema, Ifunanya. *Climate Displacement and Legal Protection Gaps in Nigeria: A Humanitarian Perspective*. Enugu: Justice and Relief Publications, 2018.
- Orji, J. C. "Conceptualising Climate Justice in African Environmental Law." *African Journal of Climate Law* 1, no. 1 (2018): 22–39.
- Ude, B. U. "The Role of Law in Promoting Human Rights." *African Journal of Constitutional Studies* 6, no. 1 (2019): 40–55.
- Udechukwu, Adaobi, and Kingsley Eze. *Gender-Based Vulnerabilities and the Gaps in Disaster Risk Management in Nigeria*. Enugu: Social Equity and Resilience Institute, 2023.
- Umeh, T. C., and Ijeoma, C. D. "Legal Frameworks for Environmental Protection in Nigeria." *Journal of African Law and Policy* 5, no. 2 (2022): 33–47.