

## **ADOPTING ENVIRONMENTAL PERSONHOOD IN NIGERIA: CHALLENGES, OPPORTUNITIES AND IMPLICATIONS**

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### **Abstract**

*This study explores the concept of environmental personhood and its potential adoption in Nigeria as a paradigm shift in legal and Philosophical views on enhancing environmental protection. Environmental personhood, an ecocentric notion, accords legal rights to natural entities such as rivers, forests, and mountains, akin to those traditionally granted to humans. This concept has been increasingly recognised globally as a tool for more effective protection of ecosystems and biodiversity. This study delves into the relevance of this approach in the Nigerian context, advocating particularly for its adoption in relation to addressing environmental degradation, safeguarding indigenous rights, and promoting sustainable development. The study employs a qualitative methodology, utilising doctrinal analysis of legal texts, case law, and comparative studies from jurisdictions where environmental personhood has been established. The analysis highlights several challenges, including the rigidity of Nigeria's existing legal framework, the absence of political will, cultural resistance to the concept of nature having rights, and the potential conflict with established property rights. The findings indicate that integrating environmental*

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*personhood into Nigeria's legal system could significantly improve environmental governance, offer robust legal support for environmental advocacy, and contribute to global environmental justice initiatives, including advancing key Sustainable Development Goals (SDGs). Nonetheless, practical implementation would necessitate comprehensive legal reforms, extensive public education, and active stakeholder engagement to ensure effective integration. The study recommends several measures, including amending current environmental legislation to incorporate environmental personhood, using strategic litigation to establish legal precedents, and collaborating with indigenous communities to honour traditional ecological knowledge. The study concludes that despite the challenges, the adoption of environmental personhood presents a transformative opportunity to bolster Nigeria's environmental protection regime, thereby contributing to global efforts in achieving environmental sustainability and resilience.*

**Keywords:** Environmental Protection, Environmental Personhood, Ecocentrism, Conservation, Anthropocene, Nature's Rights

## **1.0 Introduction**

The concept of environmental personhood and the recognition of nature's rights have emerged as significant legal and philosophical innovations in contemporary environmental law discourse<sup>1</sup>. Environmental personhood connotes the attribution of legal personality to natural entities, such as rivers, forests, or ecosystems, thereby allowing them to possess rights and be represented in legal actions<sup>2</sup>. This concept challenges traditional anthropocentric legal frameworks, which predominantly recognise only

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<sup>1</sup> Christiana Ochoa, 'Nature's Rights' (2021) 11(1) *Mich J Envtl & Admin L* 42, 42-43.

<sup>2</sup> *Ibid* 43.

humans and human constructs as rights-bearers.<sup>3</sup> The recognition of nature's rights, on the other hand, involves the granting of intrinsic rights to nature, independent of its utility to human beings, thus advocating for the inherent value and protection of natural entities and ecosystems.<sup>4</sup> According to scholars,<sup>5</sup> two distinct legal issues arise from the global advocacy for the rights of nature. First, the concept of environmental personhood posits that natural entities should be recognised with the same legal status as other legal persons, like corporations. Second, granting legal standing to nature would allow these entities to access the legal system to seek remedies for violations of their fundamental rights.

The emergence of environmental personhood and nature's rights reflects a broader shift towards ecological jurisprudence and a reimagining of the human-nature relationship.<sup>6</sup> This paper aims to explore the theoretical foundations, legal precedents, and practical implications of these concepts. It will analyse the philosophical underpinnings that justify granting legal personality and rights to nature, drawing on both indigenous and contemporary environmental thought. Additionally, the paper will examine key statutes and judicial decisions that have recognised environmental personhood and nature's rights, providing a comparative analysis of different jurisdictions' approaches.

Furthermore, the paper will critically evaluate the potential benefits and challenges of implementing environmental personhood and nature's rights within existing legal frameworks. It will consider the implications for environmental protection, biodiversity conservation, and sustainable

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<sup>3</sup> Ibid 43.

<sup>4</sup> Ibid 43.

<sup>5</sup> Matthew Miller, 'Environmental Personhood and Standing for Nature: Examining the Colorado River Case' (2019) 17 *UNHLR* 355.

<sup>6</sup> Christopher D Stone, 'Should Trees Have Standing? – Towards Legal Rights for Natural Objects' (1972) 45 (2) *S Cal L Rev* 450  
<https://iseethics.files.wordpress.com/2013/02/stone-christopher-d-should-trees-have-standing.pdf> accessed 9 September 2024.

development, while also addressing concerns related to legal enforceability, representation, and potential conflicts with human rights and economic interests.<sup>7</sup> By synthesising legal theory, case law, and practical considerations, this paper seeks to contribute to the ongoing dialogue on enhancing legal protections for the natural environment and fostering a more harmonious coexistence between humanity and nature.

## **2.0 Background to the Historical Development of Environmental Law**

The historical development of environmental law and policy traces a journey from early utilitarian approaches to more holistic and ethical frameworks.<sup>8</sup> Initially, environmental regulations were designed to manage natural resources for economic benefits, reflecting a perspective that valued nature primarily for its utility to humans.<sup>9</sup> Examples of such early laws include the 1900 London Convention and the 1902 Paris Convention, which aimed to protect wildlife beneficial to human activities.<sup>10</sup>

Over time, the focus of environmental law broadened from resource management to encompass conservation and protection.<sup>11</sup> This shift was influenced by several key events and initiatives, such as President Theodore

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<sup>7</sup> Rickard Lalander, 'Rights of Nature and the Indigenous Peoples in Bolivia and Ecuador: A Straitjacket for Progressive Development Politics?' (2014) 3 (2) *Journal of Devt. Studies* 150.

<sup>8</sup> Ellen van Bueren, 'Environmental Policy' <https://www.britannica.com/topic/environmental-policy> accessed June 21 2024.

<sup>9</sup> Compare and contrast with the biblical "Dominion Mandate" as contained in Genesis 1: 26-28, for man to dominate and subdue the Earth.

<sup>10</sup> Pratyush Pandey, 'History of Environmental Law' (2021) <https://lawtimesjournal.in/history-of-environmental-law/> accessed June 17 2024.

<sup>11</sup> Sandra Cassotta, 'The Development of Environmental Law within a Changing Environmental Governance Context: Towards a New Paradigm Shift in the Anthropocene Era' (2019) 30 (1) *Yearbook of International Environmental Law* 54-67; <https://doi.org/10.1093/yiel/yvaa071> accessed June 20 2024.

Roosevelt's 1909 proposal for an International Conservation Conference,<sup>12</sup> and later, more successful conventions like the 1933 London Convention and the 1940 Washington Convention on Nature Protection.<sup>13</sup> The founding of the International Union for the Protection of Nature in 1948 marked another milestone, driving forward international environmental law.<sup>14</sup> The 1972 United Nations Conference on the Human Environment in Stockholm was a landmark event that introduced the concept of sustainable development and established the United Nations Environment Programme (UNEP).<sup>15</sup> This conference emphasised the need to harmonise economic development with environmental protection. The 1992 Rio Conference further developed these ideas, producing important documents such as the Rio Declaration and Agenda 21, and addressing critical issues like climate change and biodiversity.<sup>16</sup>

Today, environmental law addresses a wide range of issues, including climate change, biodiversity, and sustainable resource use. It also incorporates principles of public participation and access to information, as demonstrated by the 1998 Aarhus Convention.<sup>17</sup> The evolution of environmental law reflects its dynamic nature, constantly adapting to new

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<sup>12</sup> Ian Tyrrel, 'Something Big: Theodore Roosevelt and Global Conservation.' In: I Tyrrel, (ed), *Crisis of the Wasteful Nation: Empire and Conservation in Theodore Roosevelt's America* (University of Chicago Press 2015) <https://doi.org/10.7208/chicago/9780226197937.003.001> accessed June 21 2024.

<sup>13</sup> Ibid.

<sup>14</sup> IUCN, 'Seventy Five Years of Experience' <https://www.iucn.org/about-iucn/history> accessed June 20 2024.

<sup>15</sup> Ellen ven Bueren (n8).

<sup>16</sup> Ibid.

<sup>17</sup> Sandra Cassotta, 'The Development of Environmental Law within a Changing Environmental Governance Context: Towards a New Paradigm Shift in the Anthropocene Era' (2019) 30 (1) *Yearbook of International Environmental Law* 54–67; <https://doi.org/10.1093/yiel/yvaa071> accessed June 26 2024.

challenges and integrating with other areas of international law, including human rights and trade.<sup>18</sup>

The modern environmental movement gained significant momentum in the 1960s and 1970s, catalysed by growing awareness of environmental degradation and the publication of influential works such as Rachel Carson's *Silent Spring*<sup>19</sup>. This period saw the establishment of foundational legal frameworks aimed at addressing pollution and preserving natural resources. Notable legislative milestones include the United States' National Environmental Policy Act (NEPA) of 1969, which introduced the requirement for Environmental Impact Assessments (EIAs), and the US Clean Air Act of 1970, aimed at controlling air pollution on a national level in that nation<sup>20</sup>.

At the international level, the 1972 United Nations Conference on the Human Environment in Stockholm marked a pivotal moment, leading to the creation of the United Nations Environment Programme (UNEP) and fostering a global commitment to environmental protection. The 1987 Brundtland Report<sup>21</sup>, formally known as "Our Common Future," further advanced the discourse by emphasising sustainable development and the interconnectedness of economic, social, and environmental goals<sup>22</sup>.

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<sup>18</sup> Elizabeth Fisher, *The History of Environmental Law* (Oxford 2017), <https://doi.org/10.1093/actrade/9780198794189.003.0004> accessed 20 June 2024.

<sup>19</sup> Rachel Carson, *Silent Spring* (Houghton Mifflin 1962) 39.

<sup>20</sup> (US) National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321-4370h (1970).

<sup>21</sup> Brundtland Report <https://www.britannica.com/topic/Brundtland-Report> accessed June 20 2024.

<sup>22</sup> World Commission on Environment and Development (WCED), *Our Common Future* (Oxford University Press 1987), Chapters 2, 3, 4, 8 and 9.

Despite these advances, current environmental protection frameworks exhibit significant limitations.<sup>23</sup> Traditional environmental laws often operate within a reactive paradigm, addressing harm only after it has occurred. This approach can be insufficient in preventing irreversible damage to ecosystems and biodiversity. Furthermore, these frameworks are frequently criticised for their fragmented nature, where sectoral regulations (for example, water, air, land) operate in isolation, leading to regulatory gaps and inefficiencies.

A major limitation of existing frameworks is their anthropocentric foundation, which tends to prioritise human interests over ecological integrity. This is evident in the regulatory emphasis on permissible levels of pollution and resource extraction, rather than on the preservation of ecosystem health and resilience<sup>24</sup>. Moreover, enforcement of environmental laws remains a challenge due to limited resources, political influence, and varying levels of commitment among jurisdictions.<sup>25</sup> The principle of sustainable development, while widely endorsed, often suffers from vague definitions and weak implementation mechanisms, allowing for economic interests to overshadow environmental priorities<sup>26</sup>.

In response to these limitations, the concepts of environmental personhood and nature's rights have emerged as innovative approaches to reconceptualising environmental law. These concepts advocate for

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<sup>23</sup> Klaus Bosselmann, 'Earth Governance: Trusteeship of the Global Commons' (Edward Elgar Publishing, 2015); see also: Anna Grear, 'Towards 'Climate Justice'? A Critical Reflection on Legal Subjectivity and Climate Injustice: Warning Signals, Patterned Hierarchies, Directions for Future Law and Policy,' (2014) 5 (1) *Journal of Human Rights and the Environment* 103-133.

<sup>24</sup> Pratyush Pandey (n10).

<sup>25</sup><https://www.unep.org/news-and-stories/press-release/dramatic-growth-laws-protect-environment-widespread-failure-enforce> accessed June 23 2024.

<sup>26</sup> James Bernard Ruhl, 'The Myth of What Is Inevitable under Ecosystem Management: A Response to Pardy' (2004) 21 *Pace Envtl. L. Rev.* 315. <https://digitalcommons.pace.edu/pelr/vol21/iss2/4> accessed June 26 2024.

recognising the intrinsic value of nature and granting legal standing to natural entities, enabling them to be represented in legal proceedings and protected for their own sake, rather than solely for their utility to humans<sup>27</sup>. This shift represents a profound transformation in environmental governance, aiming to address the root causes of environmental degradation and promote a more holistic and integrated approach to ecological preservation.

### **3. The Case for Environmental Personhood**

The recognition of nature as a legal person is a transformative concept that seeks to reorient legal frameworks to better protect the environment. Several arguments support the case for environmental personhood, including the intrinsic value of nature, the interconnectedness of ecosystems, and the rights of nature.<sup>28</sup>

One of the foundational arguments for environmental personhood is the acknowledgment of the intrinsic value of nature.<sup>29</sup> Traditional legal systems often regard natural entities solely in terms of their utility to humans, overlooking their inherent worth. This anthropocentric view is increasingly challenged by ecocentric perspectives that advocate for recognising the value of nature independent of human interests. Philosopher Holmes Rolston III argues that nature possesses intrinsic value, warranting moral

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<sup>27</sup> Cormac Cullinan, *Wild Law: A Manifesto for Earth Justice* (Green Books 2002) 91-151.

<sup>28</sup> Gwendolyn J Gordon, Environmental Personhood. (2019) 43 (1) *Columbia Journal of Environmental Law* <https://doi.org/10.7916/cjel.v43i1.3742> accessed June 21 2024.

<sup>29</sup> Elizabeth MacPherson, 'The (Human) Rights of Nature: A Comparative Study of Emerging Legal Rights for Rivers and Lakes in the United States of America and Mexico' (2021) 31 (327) *Duke Environmental Law and Policy Forum* 332.

and legal consideration for its preservation and protection.<sup>30</sup> By recognising nature as a legal person, the law acknowledges this intrinsic value, thereby fostering a legal and moral duty to protect natural entities for their own sake.<sup>31</sup>

The interconnectedness of ecosystems is another compelling argument for environmental personhood. Ecosystems are complex networks of interdependent organisms and processes that sustain life on Earth. Disruptions to one part of an ecosystem can have cascading effects on the entire system. Legal frameworks that recognise environmental personhood are better equipped to address these holistic connections, ensuring that the protection of one element inherently supports the health of the entire ecosystem. This approach is reflected in the work of ecologist Aldo Leopold, who famously proposed a land ethic that respects the interrelatedness of all living things<sup>32</sup>. From a legal perspective, the recognition of nature's rights can be grounded in the concept of legal personality. The conferral of legal personality on corporations has established a precedent for the creation of legal stakeholders.<sup>33</sup> By analogy, this doctrine can be extended to encompass nature and future generations as legal entities with inherent rights. In accordance with the function of law, legislation should be enacted or amended to protect the interests of this newly recognised stakeholder, the natural environment. As such,

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<sup>30</sup> Holmes Rolston III, 'Environmental Ethics: Duties to and Values in the Natural World' In: FH Bormann and SR Kellert (eds), *The Broken Circle: Ecology, Economics, Ethics* (Yale University Press 1991) ISBN 0-300-04976-5

<sup>31</sup> Burns H Weston and David Bollier, 'Green Governance: Ecological Survival, Human Rights, and the Law of the Commons' (2013) 40 (3) *Boston College Environmental Affairs Law Review* 415. see also, Louis J Kotzé and Paola Villavicencio Calzadilla, 'Somewhere Between Rhetoric and Reality: Environmental Constitutionalism and the Rights of Nature in Ecuador' (2017) 6 (3) *Transnational Environmental Law* 401-433.

<sup>32</sup> Aldo Leopold, *A Sand County Almanac* (Oxford University Press 1949) 201-226.

<sup>33</sup> All Answers Ltd, 'The Principle of Corporate Personality' (Lawteacher.net, September 2024) <https://www.lawteacher.net/free-law-essays/company-law/principles-of-corporate-personality-company-law-essay.php?vref=1> accessed September 10 2024.

environmental legislation, which has historically been rooted in anthropocentric principles, must be adapted to acknowledge and safeguard the intrinsic value and rights of nature. This necessitates a paradigmatic shift in the legal framework, one that prioritises the well-being and protection of the natural world. Legal recognition of environmental personhood, thus, aligns with ecological science by promoting comprehensive and integrated environmental protection.

### 3.1 Rights of Nature

The concept of the rights of nature extends beyond recognising intrinsic value and interconnectedness. It posits that natural entities possess fundamental rights, much like human beings. This idea is rooted in the belief that nature has the right to exist, flourish, and evolve<sup>34</sup>. Christopher Stone's seminal work, *Should Trees Have Standing?*<sup>35</sup> pioneered the legal discourse on granting legal rights to natural entities, arguing that extending legal standing to nature would enable it to be represented in court, through guardians, in order to ensure that its interests are considered in legal decisions<sup>36</sup>. Recognising the rights of nature involves a paradigm shift towards viewing nature not as property but as a rights-bearing entity deserving legal protection.

In practice, several jurisdictions have pioneered the recognition of environmental personhood, setting precedents for this innovative legal approach. One notable example, besides Ecuador and Bolivia, is the Whanganui River in New Zealand. In 2017, the New Zealand government enacted the Te Awa Tupua (Whanganui River Claims Settlement) Act,<sup>37</sup> granting the Whanganui River legal personhood status. This historic

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<sup>34</sup> Christina Ochoa, 'Nature's Rights' (2021) *Maurer Faculty* 3026. <https://www.repository.law.indiana.edu/facpub/3026> accessed September 10 2024.

<sup>35</sup> Christopher D Stone, *Should Trees Have Standing? Law, Morality and the Environment* (3rd edn, Oxford University Press 2010) 103.

<sup>36</sup> *Ibid*, 130.

<sup>37</sup> Te Awa Tupua (Whanganui River Claims Settlement) Act 2017, No 7 (NZ).

legislation acknowledges the river as an indivisible and living whole, from the mountains to the sea,<sup>38</sup> entitled to legal rights and represented by human guardians<sup>39</sup>.

Another example is the Constitutional Court of Colombia's decision<sup>40</sup> in 2016 to recognise the Atrato River as a legal person, affirming its rights to protection, conservation, and restoration. This decision was based on the recognition of the river's significance to indigenous communities and its ecological importance<sup>41</sup>. Similarly, in 2017, the High Court of Uttarakhand in India declared the Ganges and Yamuna rivers as legal persons, aiming to address pollution and degradation issues affecting these vital waterways.<sup>42</sup> These examples demonstrate the practical application of environmental personhood, highlighting its potential to enhance environmental protection by providing legal mechanisms for the representation and defense of natural entities.

### **3.2. Legal and Policy Implications**

The recognition of environmental personhood carries significant legal and policy implications, potentially reshaping the landscape of environmental protection and governance. This section analyses the potential consequences of this recognition and discusses the challenges and obstacles to its implementation. One of the primary benefits of recognising environmental personhood is the potential for enhanced protection of natural entities<sup>43</sup>. By granting legal rights to rivers, forests, and other

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<sup>38</sup> Ibid, ss 12 (1) and 13 (1).

<sup>39</sup> Ibid, s 14(1).

<sup>40</sup> *Center for Social Justice Studies & others v Presidency of the Republic & others: Decision T-622/2016*.

<sup>41</sup> Constitutional Court of Colombia, Decision T-622 of 2016.

<sup>42</sup> *Mohd. Salim v State of Uttarakhand* (2017) W.P. (PIL) No. 126 of 2014 (India); see also, *The State of Uttarakhand & Ors. v Mohammed Salim & Ors.* (2017). Uttarakhand High Court, India.

<sup>43</sup> Andrew Ambers, 'The River's Legal Personhood: A Branch Growing on Canada's MultiJuridical Living Tree'

ecosystems, these entities gain standing in courts, allowing for direct legal action to safeguard their interests. This shift can lead to more proactive and comprehensive measures to prevent environmental degradation<sup>44</sup>. For example, legal personhood status enables natural entities to seek remedies for damages and enforce their rights, thus promoting more stringent environmental oversight and accountability<sup>45</sup>. This approach aligns with the principles of ecocentric governance, which prioritise ecological health and sustainability over short-term human interests.

Recognising environmental personhood necessitates the development of new legal frameworks to support and enforce the rights of nature. These frameworks would need to define the rights of natural entities clearly, establish mechanisms for their representation in legal proceedings, and create institutions or roles (such as guardians or trustees) to act on their behalf. The creation of such legal structures represents a significant evolution in environmental law, encouraging the incorporation of ecological principles into legal doctrines and decision-making processes<sup>46</sup>. This evolution can foster more holistic and integrated approaches to environmental governance, where legal systems reflect and uphold the intrinsic value and interconnectedness of nature.

The recognition of environmental personhood can also influence broader policy and regulatory approaches to environmental management. Policies would need to shift towards recognising and respecting the rights of nature,

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(2022) 13 (1) *The Arbutus Review* <https://doi.org/10.18357/tar131202220790> accessed June 20 2024.

<sup>44</sup> Martyna Łaszewska-Hellriegel, 'Environmental Personhood as a Tool to Protect Nature' (2023) 51 *Philosophia* 1369–1384; <https://doi.org/10.1007/s11406-022-00583-z> accessed June 22 2024.

<sup>45</sup> David R Boyd, *The Rights of Nature: A Legal Revolution That Could Save the World* (ECW Press 2017) 142.

<sup>46</sup> Anna Grear, 'Towards 'Climate Justice'? A Critical Reflection on Legal Subjectivity and Climate Injustice: Warning Signals, Patterned Hierarchies, Directions for Future Law and Policy' (2014) 5 (1) *Journal of Human Rights and the Environment* 103-133.

incorporating these rights into environmental planning, land use, and resource management strategies. This shift could result in more robust and ecologically sound policies, reducing the likelihood of environmental exploitation and degradation. Furthermore, the integration of nature's rights into policy frameworks can enhance public awareness and engagement, fostering a culture of respect and stewardship for the natural world<sup>47</sup>.

Moreover, the adoption of environmental personhood in Nigeria could significantly advance several core Sustainable Development Goals (SDGs), particularly those related to environmental sustainability and climate action. Worthy of being examined in this regard are SDG 13 (Climate Action); SDG 14 (Life Below Water); SDG 15 (Life on Land) and SDG 16 (Peace, Justice, and Strong Institutions). By granting legal rights to natural entities such as rivers, forests, and ecosystems, environmental personhood can strengthen the enforcement of climate-related policies<sup>48</sup>. This approach empowers these entities to seek legal redress against activities that contribute to environmental degradation, thereby enhancing climate resilience and supporting broader climate change mitigation efforts. Nigeria's coastal and marine ecosystems could benefit from environmental personhood, especially in combating pollution, overfishing, and habitat destruction<sup>49</sup>. Legal recognition of these ecosystems would bolster their protection, ensuring sustainable use of marine resources, which is critical for preserving biodiversity and supporting livelihoods. Forests, wetlands, and other terrestrial ecosystems in Nigeria could be better protected under environmental personhood<sup>50</sup>. This recognition would enhance conservation efforts, reduce deforestation, and safeguard biodiversity, contributing to more sustainable land management practices. Environmental personhood could strengthen institutional frameworks by embedding environmental

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<sup>47</sup> Klaus Bosselmann, *Earth Governance: Trusteeship of the Global Commons* (Edward Elgar Publishing, 2015) 71-112.

<sup>48</sup> SDG 13 (Climate Action).

<sup>49</sup> SDG 14 (Life Below Water).

<sup>50</sup> SDG 15 (Life on Land).

rights within Nigeria's legal system. This tallies with the spirit of SDG 16 and would promote justice and accountability in environmental governance, ensuring that natural entities have standing in legal proceedings<sup>51</sup>. In all, incorporating environmental personhood into Nigeria's legal framework could thus create a robust mechanism for environmental protection, aligning with the country's commitments to the SDGs and intensifying efforts to combat climate change. This legal innovation would not only safeguard ecosystems but also ensure that Nigeria's development pathways remain sustainable and resilient.

#### **4.0 Foreign and International Perspectives**

The concept of environmental personhood has garnered significant attention and support internationally, with various countries and international bodies pioneering its recognition and implementation. This section examines notable examples of environmental personhood around the world and discusses the potential for global recognition and harmonisation.

##### **4.1. Foreign Jurisdictions**

###### **4.1.1. Ecuador's Constitution 2008**

Ecuador stands as a pioneering nation in recognising the rights of nature within its constitutional framework.<sup>52</sup> In 2008, Ecuador became the first country to incorporate the rights of nature into its supreme legal Instrument, the constitution. The Constitution acknowledges and stipulates that nature, or "*Pachamama*," has the right to exist, persist, maintain, and regenerate its vital cycles. This groundbreaking legal development was driven by the need to address severe environmental degradation and promote sustainable development. Article 71 of the Ecuadorian Constitution explicitly grants nature the right to integral respect for its existence and the maintenance and

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<sup>51</sup> SDG 16 (Peace, Justice, and Strong Institutions).

<sup>52</sup> Kotzé (n31) 404.

regeneration of its life cycles, structure, functions, and evolutionary processes<sup>53</sup>. This constitutional recognition has led to several legal cases where nature's rights have been defended, setting important precedents for environmental protection.

Article 71 of the Ecuadorian Constitution, which grants rights to nature, has been the basis for several notable legal cases. The courts have had a number of times to adjudicate, interpret and apply this noble provision of the law of that nation. Thus, in *Vilcabamba Case*,<sup>54</sup> a road-widening project in Loja Province of Ecuador led to the dumping of excavated material into the Vilcabamba River, causing significant damage. The plaintiffs were international landowners, who initiated the lawsuit against the Provincial Government of Loja due to the said environmental damage caused by the road-widening project near the Vilcabamba River. The plaintiffs argued, inter alia, that the construction project violated the rights of the Vilcabamba River, which is protected under the Ecuadorian Constitution and that the use of heavy machinery and the dumping of debris into the river led to pollution, reduced river flow, and increased flooding risks for nearby communities. With no specific argument by the defendant to counteract the plaintiffs' contentions, the Provincial Court of Loja, on March 30, 2011, held in favour of nature, ordering the restoration of the river and recognising the violation of the river's rights under Article 71. The court also required an environmental audit and restoration plan to mitigate the damage caused. This case was a landmark ruling as it was the first successful case in Ecuador and in the world where a court recognised and enforced the rights of nature, setting a precedent for future environmental litigation in Ecuador.<sup>55</sup>

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<sup>53</sup> Ecuadorian Constitution of 2008, Art. 71-74.

<sup>54</sup> *Vilcabamba River v Provincial Government of Loja*, Case No. 11121-2011-0010, Provincial Court of Loja (2011).

<sup>55</sup> Kotzé (n31) 404.

In *Los Cedros Protected Forest Case*,<sup>56</sup> the facts were that the government granted mining concessions in the Los Cedros Protected Forest, threatening its biodiversity and ecosystems. The Constitutional Court of Ecuador ruled that these concessions violated the rights of nature as enshrined in Article 71 of the Ecuadorian Constitution. The court upheld the rights of the forest to exist and thrive, thereby revoking the mining permits. This decision underscored the importance of protecting ecologically sensitive areas and reinforced the legal standing of nature's rights against economic and developmental activities.

In another landmark case<sup>57</sup>, a large-scale mining project in the Condor Mirador Region posed a threat to the biodiversity and ecological balance of the area. The court recognised the rights of nature but ultimately allowed the mining project to proceed with stringent environmental safeguards and monitoring. This case demonstrated the practical application of Article 71 and the complexities involved in its enforcement, emphasising the need for careful consideration of environmental impacts in development projects.

The above cases illustrate the transformative impact of Article 71 of the Ecuadorian Constitution on environmental jurisprudence. They highlight the evolving legal framework that prioritises the rights of nature and sets a precedent for other jurisdictions considering similar legal innovations.<sup>58</sup>

#### **4.1.2. Bolivia's Law of Mother Earth**

Inspired by Ecuador, Bolivia enacted the Law of the Rights of Mother Earth (*Ley de Derechos de la Madre Tierra*) in 2010, which similarly enshrines

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<sup>56</sup> *Los Cedros Protected Forest v Ministry of Environment and Mining Companies*, Case No. 1149-19-JP/21, Constitutional Court of Ecuador (2021).

<sup>57</sup> *Shuar Indigenous Community v Ecuador, Condor Mirador Mining Project*, Case No. T-601/12, Constitutional Court of Ecuador, 2013.

<sup>58</sup> See generally, Craig M Kauffman and Pamela L Martin, 'Can the Rights of Nature Make Development More Sustainable? Why Some Ecuadorian Lawsuits Succeed and Others Fail.' (2017) 92 *World Development* 130-142.

the rights of nature in national legislation<sup>59</sup>. The law recognises Mother Earth as a collective subject of public interest<sup>60</sup> and establishes her rights to life, biodiversity, water, clean air, balance, restoration, and pollution-free living<sup>61</sup>. This legal framework reflects Bolivia's indigenous traditions and cosmology, emphasising the interconnectedness of all life forms and the need for a harmonious relationship between humans and nature.

In Bolivia, the concept of environmental personhood is recognised under the "Law of the Rights of Mother Earth" (*Ley de Derechos de la Madre Tierra*), which was enacted in December 2010. This law recognises Mother Earth as a collective subject of public interest, recognising its rights as a living system.<sup>62</sup> The law also delineates the rights of Mother Earth,<sup>63</sup> including, the right to life and the existence of all its components; the right to continue vital cycles and processes free from human alteration; the right to pure water and clean air, as well as the right to equilibrium, among others.<sup>64</sup> This law is a pioneering piece of legislation in Bolivia as it shifts the legal paradigm by recognising the intrinsic rights of natural entities, rather than viewing them solely as property or resources for human use. This recognition aligns with the Andean indigenous philosophy of *Pachamama*, or Mother Earth, which sees the environment as a living, sentient being deserving of legal protection and rights.

#### **4.1.3 New Zealand's Law of River Claims 2017**

New Zealand has also adopted the concept of environmental personhood. A notable instance is the Whanganui River, recognised as a legal person under the Te Awa Tupua (Whanganui River Claims Settlement) Act of

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<sup>59</sup> Rickard Lalander (ni)150.

<sup>60</sup> Arts. 3 and 5 of the Law of the Rights of Mother Earth 2010 (Bolivia).

<sup>61</sup> Ibid Art. 7.

<sup>62</sup> Ibid Art. 5.

<sup>63</sup> Ibid Art. 7.

<sup>64</sup> Ibid.

2017.<sup>65</sup> This landmark legislation acknowledges the river as an inseparable, living entity encompassing both physical and metaphysical dimensions.<sup>66</sup> As a legal person, the river can own property, initiate legal action, and be legally protected.<sup>67</sup> The Act also designates two guardians, one appointed by the Whanganui iwi (indigenous Maori people) and the other by the government, to represent the river's interests. This recognition is deeply rooted in Maori cultural beliefs, viewing rivers and natural entities as ancestral beings deserving of legal recognition and protection. The Whanganui River's legal personhood embodies a blend of traditional Maori values and contemporary legal frameworks, ensuring sustainable management and preservation of the river ecosystem. In other words, this recognition of the river's intrinsic value and the Maori's deep spiritual connection to it is a landmark development in environmental protection.<sup>68</sup>

#### **4.1.4 India: Judicial Activism and Legal Expansion**

In India, judicial activism has played a pivotal role in advancing environmental personhood. The Uttarakhand High Court's landmark rulings in 2017 declared the Ganges and Yamuna rivers as legal persons, equipping them with rights akin to those of human beings. Government-appointed officials were entrusted with the role of legal custodians to uphold and safeguard the rivers' health and well-being. This judicial intervention is grounded in India's constitutional ethos, particularly Article 21, which guarantees the right to life encompassing a clean and healthy environment. By granting legal personhood to rivers, the judiciary aimed to

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<sup>65</sup> Kate Evans, 'The New Zealand River that became a Legal Person' [2020] <https://www.bbc.com/travel/article/20200319-the-new-zealand-river-that-became-a-legal-person> accessed August 23 2024.

<sup>66</sup><https://blogs.illinois.edu/view/8858/1820171525>; <https://www.earthlaws.org.au/aclc/rights-of-nature/new-zealand/> accessed June 28 2024.

<sup>67</sup><https://blogs.illinois.edu/view/8858/1820171525> accessed August 23 2024.

<sup>68</sup><https://www.earthlaws.org.au/aclc/rights-of-nature/new-zealand/> accessed June 28 2024.

address severe pollution and degradation, ensuring effective legal mechanisms for their conservation and rehabilitation.

#### **4.1.5 The National Environment Act of Uganda 2019**

In the African continent, Uganda has also enacted a pioneering environmental law that acknowledges nature's rights.<sup>69</sup> Like its counterparts in other parts of the world, this law treats forests, lakes, and ecosystems as living entities with the right "to exist, persist, maintain, and regenerate." This aligns with the global trend so far examined in this study emphasising the intrinsic value of the natural world beyond mere exploitation.

#### **4.2 UN Initiatives**

At the international level, the United Nations has also made strides towards recognising the rights of nature. The United Nations General Assembly adopted a resolution in 2010 acknowledging the need to respect and promote the rights of nature. This resolution, titled "Harmony with Nature," encourages member states to develop policies and legal frameworks that recognise and uphold the intrinsic value of nature<sup>70</sup>. Additionally, the UN Harmony with Nature initiative has facilitated dialogues and partnerships aimed at promoting the rights of nature globally, supporting the development of legal instruments and policies that reflect an ecocentric worldview<sup>71</sup>.

The growing recognition of environmental personhood and the rights of nature in various jurisdictions highlights the potential for advancing international environmental law. The establishment of international legal norms that recognise and protect the rights of nature can promote a more

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<sup>69</sup> Art. 4 of the National Environment Act 2019 (Uganda).

<sup>70</sup> UN General Assembly, Resolution 64/196, 'Harmony with Nature' A/RES/64/196 (2010).

<sup>71</sup> UN, 'Harmony with Nature' <https://www.harmonywithnatureun.org/>. accessed June 25 2024.

unified and effective approach to addressing global environmental challenges. By incorporating the rights of nature into international treaties, conventions, and agreements, countries can create a cohesive legal framework that transcends national boundaries and ensures the protection of the global commons<sup>72</sup>.

Achieving global recognition and harmonisation of environmental personhood faces several challenges. Legal systems vary widely in their principles, structures, and priorities, which can complicate the adoption of a unified approach to the rights of nature. Additionally, economic and political interests often influence environmental policies, potentially hindering the implementation of ecocentric legal frameworks. However, these challenges also present opportunities for innovative solutions and collaborative efforts.

One opportunity lies in leveraging existing international environmental agreements to incorporate the rights of nature. For instance, the Convention on Biological Diversity (CBD) and the United Nations Framework Convention on Climate Change (UNFCCC) could serve as platforms for integrating principles of environmental personhood. By building on established agreements, countries can progressively align their national laws with international standards that recognise and protect nature's rights<sup>73</sup>.

### **4.3 Challenges of Implementing Environmental Personhood**

One of the main challenges to implementing environmental personhood is legal and institutional resistance. Traditional legal systems are deeply rooted in anthropocentric principles, where rights and legal standing are primarily accorded to humans and human-created entities. Transitioning to

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<sup>72</sup> Philippe Sands, *Principles of International Environmental Law* (4th edn) (Cambridge University Press 2018) 911-948.

<sup>73</sup> Secretariat of the Convention on Biological Diversity, "Convention on Biological Diversity: Text and Annexes" (UNEP 2005).

a framework that recognises the rights of nature requires significant changes to existing laws, judicial interpretations, and institutional practices. This shift may face resistance from legal professionals, policymakers, and stakeholders who are accustomed to conventional legal doctrines<sup>74</sup>. Overcoming this resistance requires sustained advocacy, education, and the demonstration of successful case studies where environmental personhood has been effectively implemented.

Implementing environmental personhood also involves practical and procedural challenges. Defining the scope and nature of rights for diverse natural entities can be complex, necessitating careful consideration of ecological, cultural, and legal factors. Additionally, establishing effective representation for natural entities requires robust institutional frameworks, including the designation of guardians or trustees who can act in the best interests of the environment. Ensuring that these representatives are adequately resourced and empowered to fulfill their roles is crucial for the successful implementation of environmental personhood<sup>75</sup>.

Another significant obstacle is balancing the rights of nature with human rights and economic interests.<sup>76</sup> Recognising environmental personhood can lead to conflicts between ecological protection and developmental activities, such as infrastructure projects, resource extraction, and land use changes. These conflicts necessitate the development of mechanisms for resolving disputes and ensuring that environmental protection does not unduly hinder socio-economic development. Striking a balance between these competing interests requires innovative policy solutions and

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<sup>74</sup> Gabriel Eckstein and others, 'The Status of Water in International Law,' (2017) 42 (1) *International Water Resources Association* 62-75.

<sup>75</sup> Klaus Bosselmann, *The Principle of Sustainability: Transforming Law and Governance* (2nd edn edn Routledge 2016) 91.

<sup>76</sup> Rickard Lalander (n7) 150.

collaborative approaches that integrate ecological sustainability with human well-being<sup>77</sup>.

### **5.0 Environmental Personhood: A Path to Sustainable Governance in Nigeria**

As already found in this study, the idea of environmental personhood, which involves granting legal rights and status to natural entities, is gaining prominence in global environmental jurisprudence. In Nigeria, this concept presents both opportunities and challenges, prompting a closer examination of the country's legal framework and environmental policies to see if any lessons can be learnt from other Jurisdictions.

Nigeria's current environmental legal system relies on constitutional provisions and statutes to drive home its core objectives. For instance, the Constitution of the Federal Republic of Nigeria provides the foundation, with the objective to "improve and protect the air, land, water, forest and wildlife of Nigeria"<sup>78</sup>. The statutes include the National Environmental Standards and Regulations Enforcement Agency (NESREA) Act, such as the Environmental Impact Assessment Act, the Petroleum Industry Act 2021 and a host of other statutes. These laws primarily address environmental impacts, standards enforcement, and pollution control from a human-centric perspective. The overarching goal is to protect public health and promote economic development.<sup>79</sup>

To incorporate environmental personhood into Nigeria's legal system, significant reforms would be necessary. One approach involves amending existing environmental legislation to recognise the rights of natural entities. For instance, revising the NESREA Act could grant legal standing to rivers, forests, and ecosystems, allowing them to initiate legal actions through

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<sup>77</sup> Mac Chapin, 'A Challenge to Conservationists' (2004) 17 (6) *World Watch Magazine* 17-31.

<sup>78</sup> CFRN 1999 s 20.

<sup>79</sup> ELRA, 'A Synopsis of Laws and Regulations on the Environment In Nigeria' <https://elri-ng.org/environmental-law-policies-in-nigeria/> accessed June 28 2024.

appointed guardians or trustees. Establishing supportive mechanisms and institutions would be crucial for enforcing nature's rights.<sup>80</sup> The Nigerian government should consider establishing specialised environmental courts and tribunals to handle environmental disputes. These courts would have the authority to hear cases on environmental issues and enforce relevant laws. To ensure these courts function effectively, the government should allocate adequate funding and resources. Building capacity for civil society groups and citizens is also crucial. Enhancing their understanding of environmental laws and the legal system is vital. Ultimately, addressing environmental degradation in Nigeria through recognising nature's rights requires a comprehensive approach.<sup>81</sup> This approach should involve legal reforms, institutional changes, and capacity building. By taking these steps, Nigeria can progress toward a legal system that prioritises the protection of its natural resources and ecosystems.

### **5.1 Cultural and Indigenous Perspectives: Challenges Ahead**

Nigeria's rich cultural heritage and indigenous traditions provide valuable insights into nature's rights. Many Nigerian communities have long revered nature as sacred and integral to their existence. These cultural beliefs align with the principles of environmental personhood, emphasising the intrinsic value and interconnectedness of natural entities. Integrating these perspectives into the legal framework could strengthen the case for environmental personhood.

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<sup>80</sup> Oluwabusayo Temitope Wuraola, 'The Legal Rights of Natural Entities: African Approaches to the Recognition of Rights of Nature' In: Michael Addaney and Ademola Oluborode Jegede (eds), *Human Rights and the Environment under African Union Law* (Springer International Publishing 2020) 137-152.

<sup>81</sup> Oyetola Muyiwa Atoyebi, 'Locus Standi As An Obstacle To Environmental Justice In Nigeria' (2023)<https://lawpavilion.com/blog/locus-standi-as-an-obstacle-to-environmental-justice-in-nigeria/> accessed June 23 2024.

Integrating environmental personhood faces obstacles such as legal resistance, economic interests, and political will.<sup>82</sup> Shifting from an anthropocentric to an ecocentric legal paradigm requires changes in interpretation and judicial attitudes.<sup>83</sup> Balancing nature's rights with Nigeria's development goals, especially in sectors like oil and gas, poses complex challenges. Innovative legal and policy solutions are needed to ensure environmental protection without hindering economic growth.<sup>84</sup> Nigeria's rich cultural heritage and indigenous traditions offer a profound perspective on the rights of nature, emphasising the interconnectedness and reverence for the natural world. Various Nigerian communities have long regarded nature as sacred, reflecting its integral role in their existence.<sup>85</sup>

## 5.2 Cultural Heritage and Reverence for Nature in Nigeria

Many Nigerian ethnic groups possess distinct customs that highlight the intrinsic value of nature.<sup>86</sup> For instance, among the Yoruba, the concept of *Ayanmo* conveys a belief in predestination and the interconnectedness of all life forms, which includes a respect for the environment as part of the divine order.<sup>87</sup> The Yoruba deity Ogun, associated with iron and war, is also revered as a guardian of forests and natural resources, indicating a deep connection between spirituality and environmental stewardship. The Igbo

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<sup>82</sup> Viktoria Kahui, 'Granting Legal 'Personhood' to Nature is a Growing Movement – Can It Stem Biodiversity Loss?' (2024) <https://theconversation.com/granting-legal-personhood-to-nature-is-a-growing-movement-can-it-stem-biodiversity-loss-227336> accessed June 28 2024.

<sup>83</sup> Ibid.

<sup>84</sup> Ibid.

<sup>85</sup> Blessing Nonye Onyima, 'Nigerian Cultural Heritage: Preservation, Challenges, and Prospects' (2016) 12 (1) *OGIRISI: A New Journal of African Studies* 273-292. <http://dx.doi.org/10.4314/og.v12i1.15> accessed June 28 2024.

<sup>86</sup> Ibid.

<sup>87</sup> Abiola Dopami, 'Predestination, Destiny and Faith in Yorubaland: Any Meeting Point?' (2008) 7 (1-2) *Global Journal of Humanities* 37-39.

culture venerates *Ala*,<sup>88</sup> the earth goddess, regarded as the mother of all living things. This reverence for *Ala* underlines the sanctity of the land and the necessity of living in harmony with nature. Rituals and taboos related to *Ala* often dictate sustainable practices, ensuring the land remains fertile and unexploited.<sup>89</sup> In the Niger Delta, the Ijaw people maintain a profound spiritual bond with water bodies,<sup>90</sup> which they believe house deities like *Owuamapu*.<sup>91</sup> These beliefs foster a sense of responsibility towards rivers and wetlands, encouraging the sustainable use of aquatic resources.

Indigenous traditions in Nigeria include practices and belief systems that inherently promote environmental conservation.<sup>92</sup> Sacred groves are prevalent among many communities, serving as protected areas where activities like tree cutting, hunting, or fishing are prohibited due to their spiritual importance.<sup>93</sup> These groves act as biodiversity sanctuaries, preserving a variety of flora and fauna. For instance, among the Yoruba, sacred groves dedicated to the *Orisha* (deities) are carefully preserved, such as the Osun-Osogbo Sacred Grove, a UNESCO World Heritage site.<sup>94</sup> This grove not only serves religious purposes but also provides a refuge for

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<sup>88</sup> Anyanwu Princewill Uzochukeu, 'Earth Goddess (*Ala*) As The Paragon of Equity in the Land of The Living and The Dead' In: Ikechukwu Anthony Kanu (ed), *African Indigenous Ecological Knowledge Systems* (The Association for the Promotion of African Studies 2021) 146.

<sup>89</sup> *Ibid.*

<sup>90</sup> <https://www.folklore.earth/culture/ijaw/> accessed June 28 2024.

<sup>91</sup> Onukwube Anedo, 'Characteristics, Variations and Dynamics of Nigeria Cultures' In Nkechinyere Okediadi, Oliver Uche and Samuel Okeke (eds), *Themes in Nigerian Peoples and Cultures* (J. Jacob Classic Publishers 2019) 185-227.

<sup>92</sup> A Rim-Rukeh, G Ierhievwie and IE Agbozu, 'Traditional Beliefs and Conservation of Natural Resources: Evidences from Selected Communities in Delta State, Nigeria' (2013) 5 (7) *Academic Journals* 426-432, 427. <http://www.academicjournals.org/IJBC> accessed June 12 2024.

<sup>93</sup> Compare PIA 2021 s 101 (1) (a).

<sup>94</sup> Samuel Oluwanisola Adeyanju and Others, 'Drivers of Biodiversity Conservation in Sacred Groves: A Comparative Study of Three Sacred Groves in Southwest Nigeria' (2022) 16 (1) *International Journal of the Commons* 95.

numerous plant and animal species, showcasing a traditional approach to conservation aligned with modern environmental objectives.<sup>95</sup>

The insights from other jurisdictions examined above and from Nigeria's indigenous traditions offer valuable lessons for modern environmental law and policy. Recognizing the rights of nature within a legal framework can draw from these indigenous perspectives, ensuring that laws reflect the intrinsic value of the natural world and promote sustainable practices. This approach can lead to more effective environmental protection measures that resonate with the cultural values of local communities.<sup>96</sup> Legislation could mandate the protection of these areas, leveraging traditional knowledge and practices to ensure their continued preservation. Additionally, recognising the rights of nature in the legal system can align with international trends, such as the rights of rivers recognised in Ecuador, Bolivia, New Zealand and India, offering a culturally relevant approach to environmental governance in Nigeria.

However, effecting this paradigmatic transformation necessitates a concerted and deliberate effort from all relevant stakeholders, including environmental non-governmental organizations, local communities, and civil society groups with an environmental focus. The prevailing economic climate has engendered an orientation prioritizing economic gains, and countering this will require intentional education and re-orientation, initially from a self-interested perspective and subsequently from a perspective that acknowledges the intrinsic value of nature. This transformation necessitates a shift in worldview, one that recognizes the inherent worth of the natural environment and prioritizes sustainability over economic expediency. Through collaborative efforts and a commitment to

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<sup>95</sup> Ibid

<sup>96</sup> Chizoba Chinweze, Chukwuemeka Jideani and Gwen Z Abiola-Oloke, 'Traditional Norms and Environmental Law: The Sub-Saharan African Case Study' In: Christina Voigt (ed) *Rule of Law for Nature: New Dimensions and Ideas in Environmental Law* (Cambridge University Press 2013) 191-206.

environmental education, we can foster a paradigm shift that prioritizes the well-being of both humans and the natural world.

## **6.0 Conclusion and Recommendations**

The historical development of environmental law has evolved from an anthropocentric focus on resource management to a more ecocentric approach that recognizes the intrinsic value of nature. Traditional environmental protection frameworks, while significant, have shown limitations in preventing ecological degradation due to their reactive and fragmented nature. The concepts of environmental personhood and the rights of nature offer innovative solutions by granting legal standing to natural entities, thereby enabling proactive legal actions and comprehensive ecological governance. Environmental personhood is a legal concept that designates certain environmental entities the status of a legal person. This assigns to these entities the rights, protections, privileges, responsibilities, and legal liability of a legal personality. By recognizing the legal rights of nature, societies can move towards more sustainable and equitable forms of environmental governance. This approach promotes the protection of ecosystems for their own sake, ensuring that natural entities can exist, flourish, and evolve without being subordinated to human interests.

Ecuador, Bolivia, New Zealand and India have been at the forefront of incorporating the rights of nature into their legal systems, setting important precedents that recognize the intrinsic value and legal rights of natural entities.<sup>97</sup> The United Nations has also contributed to this movement through its "Harmony with Nature" initiative, which encourages member states to develop policies reflecting an ecocentric worldview. These international examples illustrate the practical application of environmental personhood and its potential to enhance environmental protection through integrated and holistic legal frameworks.

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<sup>97</sup> Viktoria Kahui, 'Legal 'Personhood' to Nature Stem Biodiversity Loss?' (2024) <https://www.greenpeace.org/aotearoa/story/granting-legal-personhood-nature-biodiversity-loss/> accessed June 25 2024.

However, the implementation of environmental personhood faces challenges, including legal resistance and practical complexities. Overcoming these obstacles requires sustained advocacy, legal reforms, and supportive institutional frameworks. Transnational advocacy networks and international bodies play a crucial role in promoting the global recognition of nature's rights, fostering collaboration and harmonization across jurisdictions.<sup>98</sup> Ultimately, environmental personhood represents a paradigm shift towards a more inclusive and ecocentric legal framework that acknowledges the intrinsic value and rights of nature, contributing to a more sustainable and just world.

In Nigeria, the concept of environmental personhood has significant potential for advancing environmental protection. By recognising nature's rights, there is a shift in legal and philosophical perspectives that fosters a more equitable governance framework. This exploration delves into the theoretical foundations, legal precedents, and practical implications of granting legal personality to natural entities. In emphasising nature's intrinsic value and interconnectedness, this transformative approach necessitates comprehensive legal reforms, cultural integration, and robust institutions. Ultimately, environmental personhood paves the way for harmonious coexistence between humanity and the natural world. Nigeria's rich cultural heritage and indigenous traditions provide a unique perspective on the rights of nature. By understanding and incorporating these traditional beliefs and practices, there is an opportunity to enhance contemporary environmental law and policy. This integration honours the cultural heritage of Nigerian communities and promotes sustainable and effective environmental stewardship, ensuring that nature is respected and preserved for future generations. The reverence for nature found in various

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<sup>98</sup> David J Jefferson, Elizabeth Macpherson and Steven Moe, 'Experiments with the Extension of Legal Personality to Ecosystems and Beyond-Human Organisms: Challenges and Opportunities for Company Law' (2023) 12 (2) *Transnational Environmental Law* 343-365 doi:10.1017/S2047102523000079 accessed June 25 2024.

Nigerian cultures underscores a deep-seated respect for the environment, which can inform and inspire modern legal frameworks aimed at protecting natural resources and ensuring ecological balance.

Nigeria should transition to ecocentric legal frameworks that recognize the intrinsic value of nature. Drawing inspiration from Ecuador, Bolivia, New Zealand and India which have granted legal personhood to non-human entities, Nigeria can amend the extant legislative framework to integrate environmental personhood and ensure that natural entities have legal standing in judicial processes. To strengthen environmental governance, Nigeria should establish specialized environmental courts to handle cases involving the rights of nature. Empowering local communities as guardians of natural entities can promote community-led conservation initiatives and grant them legal standing to advocate for nature's rights.

In terms of policy and legislative measures, comprehensive legislation explicitly recognizing the rights of natural entities should be developed, inspired by Ecuador's Rights of Nature. Rigorous enforcement mechanisms with stringent penalties for violations should be implemented, along with capacity building for enforcement agencies and ensuring adequate funding. Education and public awareness are crucial. Environmental personhood concepts should be incorporated into educational curricula at all levels to foster a culture of respect and protection for nature. Public awareness campaigns, workshops, and community outreach programs should be conducted to educate citizens on the importance of recognizing and protecting nature's intrinsic value.

Nigeria should also engage in international cooperation and best practices by participating in forums focused on environmental protection and personhood, such as the Global Alliance for the Rights of Nature. Learning from the successes and challenges faced by countries like Ecuador, Bolivia, New Zealand and India, which have implemented environmental personhood, can provide valuable insights. Finally, continuous improvement through research should be encouraged. Academic research

on environmental personhood should be supported to refine and adapt legal frameworks based on empirical evidence and evolving ecological science. Establishing an advisory committee comprising environmental scientists, legal experts, and community representatives can provide ongoing recommendations for improving the legal recognition and protection of natural entities. By adopting these recommendations, Nigeria can effectively advance the field of environmental personhood, fostering a legal and policy environment that promotes comprehensive and integrated environmental protection.