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## **THE NEXUS BETWEEN CLEAN ENERGY AND HUMAN RIGHTS: EVALUATING THE LEGAL FRAMEWORK FOR ADVANCING SUSTAINABLE DEVELOPMENT GOALS IN NIGERIA**

Peace Amayo Ogbodo-Nathaniel\*, Olusola Joshua Olujobi\*\*, Cynthia Chukwufumnanya Izu\*\*\* and Nathaniel Imomion Ogbodo\*\*\*\*

### **ABSTRACT**

All over the world, the issue of Climate change has become a growing concern as it disproportionately harms people's health, livelihoods, and security. By reducing reliance on fossil fuels, clean energy helps in protecting fundamental human rights. The United Nations recognises access to clean energy as essential for human health, development, and poverty eradication. Clean energy can improve air quality, provide reliable electricity for homes and businesses, and empower communities. Achieving sustainable development and upholding human rights requires the transition to clean and renewable energy sources. However, the implications of energy development on human rights are often overlooked by the legal framework that governs the energy sector in Nigeria. This article adopts a doctrinal legal research methodology and it examines the relationship between clean energy and human rights by evaluating the existing legal framework on human rights and its potentials to promote sustainable development goals through just transition to a low-carbon economy. The findings reveals the inadequacies and inconsistencies in the existing legal framework and offers recommendations for integrating clean energy development in Nigeria in conformity with human rights principles. This article recommends the adoption of human rights-based approach to energy development to promote access to clean energy, and promoting sustainable patterns of production and consumption through the legal framework, Nigeria can prioritise human rights, accomplish sustainable development goals, and ensure a fair and just transition to a low-carbon economy.

**Keywords:** Clean Energy; Human Rights; Sustainable Development; Legal Framework; Nigeria.

## 1. INTRODUCTION

Transition to a low-carbon economy and the enforcement of human rights are two global concerns that require urgent priority to guarantee environmental protection and economic development through the disruption of over reliance on fossil fuel energy sources being a major source of greenhouse gas emissions and climate change.

A paradigm shift towards clean and renewable energy sources is no longer a choice but a necessity for combating climate change and promoting sustainable development goals.<sup>1</sup> Clean and renewable energy sources utilisation contributes to SDG 7 (Affordable and Clean Energy), SDG 13 (Climate Action), and SDG 17 (Partnerships for the Goals).<sup>2</sup> Clean energy helps reduce greenhouse gas emissions, contributing to global efforts to combat climate change and supports sustainable development in Nigeria by promoting economic growth, reducing poverty, and improving access to clean energy.<sup>3</sup>

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<sup>1</sup> Olujobi, O.J., Nigeria's Climate Change Act 2021: A Pathway to Net-Zero Carbon Emission, Energy Security and Sustainability, (2024), Environmental Science and Pollution Research, DOI10.1007/s11356-024-33347-1, accessed July 28, 2024.

<sup>2</sup> United Nations Sustainable Development Goals (SDGs) 2015.

<sup>3</sup> Olujobi, O.J., et al, Sustainable Development and National Integration: A Catalyst for Enhancing Legal Compliance, Environmental Protection, and Sustainability in Nigeria, (2024), Environmental Policy and Law, 53,6 pp 1-15 DOI: 10.3233/EPL-230050, <http://environmentalpolicyandlaw.com>accessed April 6, 2024.

However, transitioning to clean and renewable energy additionally raises up significant human rights concerns. One of the most fundamental human rights is the ability to access energy, which is necessary in order to exercise other basic rights such as right to life, health, and development. Furthermore, food, water, and sufficient standard of living can be significantly impacted by the production, distribution, and consumption of energy. In this regard, the nexus between clean energy and human rights is significantly shaped by the legal framework regulating the energy sector. Understanding the relationship between clean energy and human rights requires an assessment of the legal framework, which has the ability to either promote or impede the implementation of human rights.

While transitioning to clean energy is essential for achieving sustainable development goals, the legal framework regulating the energy sector often overlooks the implications of energy development for human rights. This leads to gaps in accountability and remedies for human rights abuses in the energy sector, as well as inadequate access to energy for marginalized communities and human rights violations in the context of energy projects. In order to identify remedies to these issues, this article seeks to examine the relationship between clean energy, human rights and sustainable development goals, assessing the legal framework's role in promoting a fair transition to a low-carbon economy that prioritises human rights and sustainable development.

This article is structured as follows: Section one comprises of the introduction. Section two contains the conceptual clarification on clean energy, human rights and sustainable development. Section three discusses the theoretical framework towards revealing the importance of clean energy as a fundamental human right. Section four examines the international and national legal framework regulating clean energy in Nigeria with relevant criticism. Lastly, section five contains the conclusion and recommendations for improving the legal framework to prioritise human rights and sustainable development in the transition to clean energy to guarantee human rights and sustainable development are given top priority in Nigeria's energy industry.

## 2. CONCEPTUAL CLARIFICATION ON CLEAN ENERGY, HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

Conceptual clarification is crucial in understanding the nexus between clean energy, human rights and sustainable development. The concepts to be discussed include clean energy, human rights and sustainable development among others:

### 2.1 Clean Energy

Clean energy is a vital concept in the transition to a sustainable and environmentally conscious future. Clean energy is energy produced from sources that do not harm the environment or ecosystem and, human health. Clean energy also refers to energy sources and technologies that minimize greenhouse gas emissions and environmental impacts and promotes sustainability. The sources of clean energy include solar, wind, hydro, biomass, geothermal, and hydrogen energy.<sup>4</sup> These sources are harnessed through various technologies such as solar panels, wind turbines, hydroelectric power plants, and bioenergy systems and the technologies are characterised by their reliability, efficiency and low environmental impacts.

Clean energy projects presents uncountable benefits including improving air quality, enhancing energy security, mitigating climate change, and promoting sustainable development.<sup>5</sup> While clean energy projects have benefits, they can also displace communities,<sup>6</sup> restrict access to land and resources, or have unfair labour practices thereby leading to human rights abuses. A just transition to clean energy requires respecting human rights throughout the process. Overall, a well-managed transition to clean energy can improve human rights by providing access to electricity, protecting health from pollution, and combating climate change. However, a comprehensive legal framework is needed to avoid human rights abuses during project development and ensure everyone benefits from the transition to clean energy. A good perception of this concept will assist in addressing the

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<sup>4</sup> Constellation, 'what is clean energy?' <<https://www.constellation.com/energy-101/energy-innovation/what-is-clean-energy.html>> Accessed 16 July, 2024.

<sup>5</sup> Ibid.

<sup>6</sup> Columbia Center on Sustainable Investment, 'Enabling a Just Transition: Protecting Human Rights in Renewable Energy Projects (2023)' <[https://ccsi.columbia.edu/sites/default/files/content/docs/publications/final\\_RenewablesAndHumanRights%20%28Brief%29.pdf](https://ccsi.columbia.edu/sites/default/files/content/docs/publications/final_RenewablesAndHumanRights%20%28Brief%29.pdf)> Accessed 16 July, 2024.

transition to future clean energy driving sustainable development, reducing dependence on fossil fuels and mitigating the adverse effect of climate change.

## **2.2 Human Rights**

Human rights are rights that every person is entitled to simply because they are humans. These rights are universal rights inherent to all human beings, regardless of their gender, nationality, religion or any other status.<sup>7</sup> Some of these rights include the right to life, health, energy, dignity of the human person, personal liberty, fair hearing, freedom of expression and adequate standard of living. These rights are classified into civil, political, economic, social and cultural rights.<sup>8</sup> The principles of human rights includes: universality, inalienability, indivisibility, interdependence, equality, non-discrimination, participation and accountability.<sup>9</sup> Universal Declaration of Human Rights<sup>10</sup> set forth the standard that all human being are born free and equal in dignity and rights. This principle ensures that human rights are protected and respected.

Having access to clean energy is a human right. According to the United Nations, access to clean energy is crucial for human development, health, and the fight against energy poverty. Clean energy can strengthen communities, provide reliable power for homes and businesses, and enhance the quality of the air. Human rights draw attention to the multiple dimensions in which energy systems affect life, health, and living standards of human beings. Access to modern energy services is a prerequisite to overcoming energy poverty and ending related human rights violation.<sup>11</sup>

The premise that access to modern energy services must be universal operationalises the concepts of human dignity and substantive equality that are inherent in human rights law.<sup>12</sup>By understanding this concept we can

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<sup>7</sup> Terry Gleichner, 'Their Courage gives us Hope' (2022) <<http://www.shanland.org/their-courage-gives-us-hope/>> accessed 26 June, 2024.

<sup>8</sup> Monesh Mehdiratta, 'Classification of Human Rights' (2022) <<https://blog.ipleaders.in/classification-of-human-rights/>> Accessed 16 July, 2024.

<sup>9</sup> United Nations Sustainable Development Group, 'Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> Accessed 26 June, 2024.

<sup>10</sup> Universal Declaration of Human Rights (UDHR) 1948

<sup>11</sup> Bradbrook, A.J., and Gardam, J.G., 'Placing Access to Energy Services with a Human Right Framework' (2006) 28 Human Rights Quarterly 389.

<sup>12</sup> Solis, M.P.S., 'Human Rights Versus Human Needs: Debating the Language for Universal Access to Modern Energy Services' in J. Jaria, I. Manzano, N.

seize the opportunities to promote and protect human rights for all in energy projects.

### 2.3 Sustainable Development

Sustainable development means meeting the needs of the present without compromising the ability of future generations to meet their own needs.<sup>13</sup> Sustainable development consists of economic, social and environmental dimensions ensuring a sustainable future. The principle includes integration and interdependence, environmental conservation and sustainability, equity and justice, ensuring fairness and equal opportunity for all. This concept was formulated by the Brundtland Commission Report<sup>14</sup> and has evolved over time with the 2015 United Nations Sustainable Development Goals (SDGs).

The United Nations Sustainable Development Goals (SDGs)<sup>15</sup> provides a framework for achieving Sustainable Development. It adopted 17 goals to end poverty, protect the planet and ensure peace and prosperity for all. SDG 7 is to ensure access to clean, affordable, reliable, sustainable and modern energy for all by 2030. This goal ensures that everyone has access to clean energy, regardless of their location or socio-economic status. It is a fundamental human right that promotes a transition to clean modern and sustainable energy sources aligning with human rights standards of protection of life, health and environment.

SDG 7 supports human rights to life, health and development in that access to energy is essential for realising these human rights. This enables access to basic services like healthcare and education.<sup>16</sup> Achieving SDG 7 requires an

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Chalifour and I. J. Kotze (eds) *Energy, Governance and Sustainability* (Edward Elgar 2016) 69.

<sup>13</sup> United Nations Brundtland Commission Report 1987, Definition of 'Sustainable Development' <<https://www.un.org/en/academic-impact/sustainability#:~:text=In%201987%2C%20the%20United%20Nations,development%20needs%2C%20but%20with%20the>> accessed 16 July, 2024.

<sup>14</sup> United Nations Brundtland Commission Report 1987.

<sup>15</sup> Sustainable Development Goals (SDGs) 2015.

<sup>16</sup> United Nations Brundtland Commission Report 1987, Definition of 'Sustainable Development' <<https://www.un.org/en/academic-impact/sustainability#:~:text=In%201987%2C%20the%20United%20Nations,development%20needs%2C%20but%20with%20the>> accessed 16<sup>th</sup> July, 2024.

effective legal framework that prioritises human rights, ensuring that energy development is sustainable, equitable and just. This goal serves as a foundation for understanding and achieving sustainable development.<sup>17</sup>

Furthermore, Sustainable Development Goal 13 is to take climate action to combat climate change impact by 2030. This SDG 13<sup>18</sup> encourages a shift towards clean energy, low-carbon emission energy sources, aligning with human rights principle of protection of life, health and the environment. It encourages building climate resilience and adapting to climate impacts mitigation strategies by ensuring that human rights are protected in the face of climate change related challenges. To this end, clean energy development plays a vital role in mitigating climate change and achieving SDG 13. Clarification or explanation of these concepts offer better understanding of the relationship between clean energy, human rights and sustainable development, evaluating the legal framework's role in driving sustainable development goals while prioritising human rights.

#### **2.4 The Nexus between Clean Energy, Human Rights and Sustainability**

Nigeria, a country with tremendous energy resources, confronts significant hurdles in providing access to clean energy, protecting human rights, and attaining sustainable development. The interconnection of these three (3) notions is critical to Nigeria's growth. Clean energy is required for sustainable development, human rights necessitate access to clean energy, and sustainability is crucial for maintaining the long-term viability of clean energy efforts. Nigeria's energy sector over dependence on fossil fuels energy sources has serious environmental and health consequences.<sup>19</sup> Transitioning to clean and renewable energy sources, such as solar and wind power, is critical for lowering greenhouse gas emissions and fostering sustainable development.<sup>20</sup> However, this global ambition of energy transition must be carried out in accordance with human rights protection perspective; such rights include the right to energy, health, and a sufficient standard of living.

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<sup>17</sup> SDGs (n.15).

<sup>18</sup> Ibid.

<sup>19</sup> Olujobi, O.J., Okorie, U.E.,Olarinde, E.S., Aina-Pelemo, A.D., 'Legal Responses to Energy Security and Sustainability in Nigeria's Power Sector amidst Fossil Fuel Disruptions and Low Carbon Energy Transition' *Heliyon*. 2023 Jul 3; 9(7):e17912. <doi: 10.1016/j.heliyon.2023.e17912. PMID: 37483776; PMCID: PMC10359868> accessed July 29, 2023.

<sup>20</sup> Ibid.



Nigeria's human rights record is distinguished by serious obstacles, such as insufficient access to energy, water, and sanitation. The absence of access to clean energy perpetuates poverty, exacerbates health issues, and stifles economic growth. Provision of access to clean energy is key for supporting human rights, especially for vulnerable groups such as women, children, and rural communities. Sustainability in Nigeria's energy sector necessitates a comprehensive approach that includes clean energy, human rights, and sustainable development. This strategy must stress transparency, accountability, and involvement while ensuring that all stakeholders, including civil society, communities, and the commercial sector, are included in the transformation. More importantly, the need for a thorough legal framework that promotes human rights and sustainable development must be given the greatest attention in order to facilitate a just transition to a low-carbon economy.

### 3. THEORETICAL FRAMEWORK ON CLEAN ENERGY, HUMAN RIGHTS AND SUSTAINABLE DEVELOPMENT

Two theories will be discussed in this article to understand the nexus between clean energy, human rights and sustainable development. These theories include human rights-based approach, and sustainable development theory.

#### 3.1 Human Rights-Based Approach

In 1997, the Secretary General to the United Nations called to the Mainstream human rights into all work of the United Nations.<sup>21</sup> However, in 2003, various organisations met and developed a human rights-based approach.<sup>22</sup> The United Nations (UN) developed the Human Right-Based Approach drawing from two important UN publications titled "The Human Rights-Based Approach to Development: A UNDP Policy Document"<sup>23</sup> and the UN's "Human Rights-Based Approach to Development"<sup>24</sup> and from the research of academics and professionals like Martha Nussbaum, Henry Shue, and Amartya Sen. The Human Rights-Based Approach (HRBA) is a

<sup>21</sup> United Nations Population Fund, 'The Human Rights Based Approach' (2014) <<https://search.app/f46mQN4BBYLe3kiU6>> Accessed 20 July, 2024.

<sup>22</sup> Ibid.

<sup>23</sup> United Nations 'The Human Rights-Based Approach to Development: A UNDP Policy Document' (2006).

<sup>24</sup> United Nations 'Human Rights-Based Approach to Development' (1998).

conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights. It seeks to analyse inequalities which lie at the heart of development problems and redress discriminatory practices and unjust distributions of power that impede developmental progress and often result in groups of people being left behind.<sup>25</sup>

The HRBA is one of the most important theories for grasping the nexus between clean energy and human rights. The HRBA highlights that human rights are essential to development and ought to serve as the cornerstone of all development programs. HRBA emphasises the importance of making sure that access to clean energy is fair, sustainable, and considerate of human rights in the context of clean energy.

The SDGs, which seek to ensure that everyone has access to energy and promote renewable energy, demonstrate how relevant HRBA is to this issue. The HRBA emphasises the need of giving human rights such as the right to life, health, and a sufficient standard of living priority while establishing the legal framework for accomplishing these goals. In addition, HRBA acknowledges the significance of non-discrimination, responsibility, and involvement in advancing human rights<sup>26</sup> in the context of renewable energy.

Despite having shaped the human rights agenda, HRBA has a number of shortcomings. The HRBA is criticised for being overly restrictive, stressing individual rights at the expense of communal rights and the greater good. Furthermore, the HRBA has been critiqued for failing to acknowledge the significance of power dynamics and structural inequality in guaranteeing human rights.<sup>27</sup>

HRBA is nevertheless an essential theory for understanding the relationship between human rights and sustainable energy in spite of these shortcomings. The theory's focus on human rights and dignity is crucial to guaranteeing the sustainability and equity of renewable energy projects. The modifications to

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<sup>25</sup> United Nations Sustainable Development Group, 'Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> Accessed 26 June, 2024.

<sup>26</sup> Ibid.

<sup>27</sup> United Nations Sustainable Development Group, 'Human Rights-Based Approach' <<https://unsdg.un.org/2030-agenda/universal-values/human-rights-based-approach>> Accessed 26 June, 2024.

solving the shortcomings, includes merging the common good and collective rights, giving economic, social, and cultural rights priority, and encouraging transformative change. We can create a more thorough and functional legal framework for advancing clean and renewable energy, defending human rights, and attaining sustainable development by expanding on the HRBA to combat energy poverty, energy security and sustainability.

### 3.2 Sustainable Development Theory

Understanding the relationship between human rights and clean energy requires an understanding of sustainable development theory. The theory was formulated in 1987. The theory highlights how the social, economic, and environmental facets of development are interdependent. According to the sustainable development theory, development must address current needs without jeopardising the capacity of future generations to address their own.<sup>28</sup> Sustainable development theory underscores the necessity for an all-encompassing strategy that strikes a balance between social justice, economic progress, and environmental conservation in the context of clean energy and human rights.

The SDGs seek to advance renewable energy, defend human rights, and guarantee sustainable development. The legal framework for accomplishing these objectives is informed by the theory, which highlights the necessity of integrating strategies that take into account many aspects of development. The idea also acknowledges the value of technology transfer, capacity building, and international cooperation in advancing sustainable development.

Though it has had a significant impact on the global development agenda, the notion of sustainable development is not without its challenges. Critics contend that the theory is so general and ambiguous; it is challenging to operationalise and gauge its advancement.<sup>29</sup> Some contend that the idea produces unsustainable development outcomes because it places a higher priority on economic growth than social and environmental concerns. The

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<sup>28</sup> United Nations Brundtland Commission Report 1987, Definition of ‘Sustainable Development’ <<https://www.un.org/en/academic-impact/sustainability#:~:text=In%201987%2C%20the%20United%20Nations,development%20needs%2C%20but%20with%20the>> accessed 16 July, 2024.

<sup>29</sup> JMCHUB, ‘Debating Sustainable Development: Criticism and Counterarguments’ <<https://jmchub.in/fundamentals-of-development-and-communication/sustainable-development-criticisms-counterarguments/>> Accessed 16<sup>th</sup> July, 2024.

theory fails to take social justice and power dynamics into account, both are essential in promoting sustainable and equitable development.<sup>30</sup>

Sustainable development theory is nonetheless an essential framework for comprehending the relationship between clean energy and human rights, despite these shortcomings. The theory's emphasis on interdependence and broad approaches is crucial for accomplishing the goals of sustainable development. Scholars and practitioners have suggested a number of changes to overcome the shortcomings, including incorporating social justice and human rights concepts, giving fair and inclusive development top priority,<sup>31</sup> and encouraging revolutionary change. To create a more thorough and functional legal framework for advancing clean energy, defending human rights, and accomplishing sustainable development is by expanding on the philosophy of sustainable development.

#### **4. LEGAL FRAMEWORKS REGULATING CLEAN ENERGY: AN EXAMINATION OF ITS CONSISTENCY WITH HUMAN RIGHTS**

The pursuit of clean energy is an essential piece of the global fight against climate change. However, this transition must be undertaken with a keen eye towards its impact on human rights. The international and national human rights law provides a framework for ensuring a just and equitable clean energy future for all. These legal frameworks will be discussed below.

##### **4.1 International Legal Frameworks on Clean Energy and Human Rights**

International human rights laws recognise the importance of clean energy in realising human rights, particularly the right to a safe and healthy environment. International human rights instruments, such as the Universal Declaration of Human Rights, do not explicitly mention clean energy. However, they recognise the right to life, health, and an adequate standard of living.<sup>32</sup> Clean energy plays a key role in realising these rights through the

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<sup>30</sup> Ibid.

<sup>31</sup> United Nations Organization, *Creating an Inclusive Society: Practical Strategies to Promote Social Integration* (2009) <<https://www.un.org/esa/socdev/egms/docs/2009/Ghana/inclusive-society.pdf>> Accessed 16th July, 2024.

<sup>32</sup> Universal Declaration of Human Rights (UDHR) 1948.

provisions of essential services like clean water, sanitation, and healthcare facilities.

The Universal Declaration of Human Rights (UDHR) was adopted in 1948. The UDHR outlines a broad range of rights, both civil and political rights (for instance right to life, liberty, and security, freedom of speech, and assembly) and economic, social, and cultural rights (for instance right to education and health). Article 25 of the Universal Declaration of Human Rights (UDHR)<sup>33</sup> provides for right to a standard of living adequate for health and well-being.<sup>34</sup>

Article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>35</sup> highlights the right to the highest attainable standard of living,<sup>36</sup> which includes access to clean energy which is essential for achieving an adequate standard of living, including access to electricity, heating and cooking fuels. Clean energy reduces air pollution, which is a major cause of premature deaths.<sup>37</sup> Nigeria has a human right obligation to ensure access to clean energy to protect the right to life.

Article 4 (13) of the Paris Agreement<sup>38</sup> encourages its signatories to the agreement to promote environmental integrity. It acknowledges the right to a safe and healthy environment, including access to clean energy in regards to climate change. The United Nations human rights treaties have further stressed the need to limit global temperature rise to 1.5 ° C above pre-industrial levels in order to minimise the adverse effects of climate change on

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<sup>33</sup> Ibid.

<sup>34</sup> Ibid. Also Available at <<https://www.un.org/en/about-us/universal-declaration-of-human-rights>> Accessed 16<sup>th</sup> July, 2024.

<sup>35</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966.

<sup>36</sup> International Covenant on Economic, Social and Cultural Rights. (ICESCR) 1966 <<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>> Accessed 16 July, 2024.

<sup>37</sup> European Environment Agency, 'What Impact Does Air Pollution Have on my Health?' <<https://www.eea.europa.eu/en/about/contact-us/faqs/what-impact-does-air-pollution-have-on-my-health#:~:text=Air%20pollution%20is%20a%20major,lung%20diseases%20and%20lung%20cancer.>> accessed 20 August 2024.

<sup>38</sup> Paris Agreement 2015 <[https://unfccc.int/sites/default/files/english\\_paris\\_agreement.pdf](https://unfccc.int/sites/default/files/english_paris_agreement.pdf)> accessed 16 July, 2024.

the enjoyment of human rights.<sup>39</sup>The Agreement also encourages Countries to transition to low emission energy systems and increase their use of renewable energy sources. Transitioning to clean energy significantly reduces air pollution, improves public health and the exercise of the right to health.

Furthermore, Resolution 16/11 of the United Nations Human Rights Council<sup>40</sup>recognises right to a safe and healthy environment including access to clean energy. The Council has also demonstrated the need for States to prioritise renewable energy sources and reduce dependence on fossil fuels. Also, the United Nations Sustainable Development Goals (SDGs)<sup>41</sup> particularly goal 7 aims to ensure access to affordable, reliable, sustainable, and modern energy for all. The United Nations has recognised access to energy as a human right, stressing the need for universal access to affordable, reliable, sustainable energy.

Aside the above mentioned international frameworks on human rights and clean energy, it is pertinent to state that one of the regional framework regulating human rights with regards to access to clean energy in Nigeria, is the African Charter on Human and Peoples' Right 1981 which has been ratified in Nigeria. Article 16 and Article 24 of the ACHPR<sup>42</sup> highlights the right to enjoy the best attainable state of health, and a general satisfactory environment favourable for development. This also includes access to clean energy, as clean energy plays a vital role in realising these rights by powering essential services like clean water, sanitation, and healthcare facilities. Transitioning to clean energy can significantly reduce air pollution; improve public health and exercising the right to health.

Furthermore, the implication of Nigeria's domestication of the African Charter and the enforceability of Socio-economic rights that is not justiciable under the Nigerian Constitution, although enforceable via the African Charter creates a discrepancy between the domestic law and international

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<sup>39</sup> United Nations 'Joint Statement on Human Rights and Climate Change' UN DOC HRI/2019/1/ (14 May, 2020)

<sup>40</sup> United Nations Human Rights Council, Resolution 16/11 Human Rights and the Environment <[https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/a\\_hrc.res.16.11\\_en.pdf](https://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/a_hrc.res.16.11_en.pdf)> accessed 16<sup>th</sup> July, 2024.

<sup>41</sup> United Nations Sustainable Development Goals (SDGs) 2015.

<sup>42</sup> African Charter on Human and Peoples' Right 1981 <[https://au.int/sites/default/files/treaties/36390-treaty-0011\\_-\\_african\\_charter\\_on\\_human\\_and\\_peoples\\_rights\\_e.pdf](https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf)> accessed 16 July, 2024.

framework. This disparity could lead to confusion and difficulties in legal interpretation and application. Courts may face challenges in balancing the provisions of the African Charter with the constitutional limitations. There is a tendency that courts might be hesitant to enforce socio-economic rights derived from the African Charter due to the non-justiciable status of these rights under the Nigerian Constitution. Although the Constitution's non-justiciable nature makes socio-economic rights unenforceable,<sup>43</sup> the African Charter provides a possible means of enforcing these rights.<sup>44</sup> However, the recommendation from the African Commission on the case<sup>45</sup> is not legally binding; it underscores the accountability of multinational corporations and state government's duty to protect its subjects. The implications extend to legal interpretations, policy reforms, and practical access to rights, emphasising the need for a nuanced approach to integrating international human rights standards into domestic law.

Overall, these international and regional frameworks underline the importance of clean energy in achieving human rights, significantly the right to a safe and healthy environment. However, there are some flaws in the international framework regulating clean energy and human rights. This includes the non-binding nature of many of these agreements and declarations, thereby lacking enforcement mechanism. Another shortcoming of these international frameworks is that there is no single, universally ratified agreement that addresses clean energy and human rights. Nigeria therefore has the obligations to ensure access to clean energy, protect human rights and promote sustainable development.

## **4.2 National Legal Frameworks on Clean Energy and Human Rights**

Nigeria's energy's laws and policies do not have clear human rights provision. However, we shall discuss the legal framework in relations to the two concepts of clean energy and human rights.

### **4.2.1 The Constitution of the Federal Republic of Nigeria 1999 (as amended)**

Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for fundamental human rights. This section guarantees

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<sup>43</sup> Chapter II of the Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C 23 LFN 2004.

<sup>44</sup> See *SERAC v Nigeria* (2002), African Commission on Human and the Peoples' Right, No: 155/9.

<sup>45</sup> *Ibid.*

basic human rights, including right to life<sup>46</sup>, dignity of human person<sup>47</sup>, personal liberty<sup>48</sup>, fair trial<sup>49</sup>, privacy,<sup>50</sup> freedom of thought, conscience and religion<sup>51</sup>, freedom of expression<sup>52</sup>, freedom of assembly and association,<sup>53</sup> freedom of movement<sup>54</sup>, freedom from discrimination.<sup>55</sup> By virtue of Section 46 of the Constitution<sup>56</sup>, any person who alleges that any of the right guaranteed has been, is being or likely to be violated in any State in relation to him, may approach a High Court in that State for redress.

Section 33 of the Constitution<sup>57</sup> provides for right to life. A healthy environment can be argued as essential for this right. Nigeria has an obligation to ensure access to clean energy to protect the right to life. There are instances where the African Commission on Human and Peoples' Rights have held the government responsible for violation of the right to a safe and healthy environment. In *SERAC v Nigeria*,<sup>58</sup> the African Commission acknowledged that the government's failure to establish effective laws and institutions to regulate activities of companies that engages in pollution activities occasioned a breach of Nigeria's international obligations and commitments to its citizens. The refusal of the government to require oil companies to submit health and environmental impact on oil production infringing on the rights of the people in the oil producing areas in Nigeria. This underscores the accountability of multinational corporations and state government's duty to protect its subjects. Also, in *Gbemre v Shell Petroleum Development Company of Nigeria Ltd. & Ors.*<sup>59</sup> The Court held that the actions of the respondents in allowing and continuing to flare gas in the

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<sup>46</sup> Section 33 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C23LFN 2004.

<sup>47</sup> *Ibid.*, s.34.

<sup>48</sup> *Ibid.*s.35.

<sup>49</sup> *Ibid.* s.36.

<sup>50</sup> *Ibid.*s.37.

<sup>51</sup> *Ibid.*s.38.

<sup>52</sup> *Ibid.* s39.

<sup>53</sup> *Ibid.* s.40.

<sup>54</sup> *Ibid.* s.41.

<sup>55</sup> *Ibid.*s.42.

<sup>56</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C23LFN 2004.

<sup>57</sup> *Ibid.*

<sup>58</sup> *The Social and Economic Rights Action Centre (SERAC) and Centre for Economic and Social Rights v Nigeria* (2002), African Commission on Human and the Peoples' Right, No: 155/9.

<sup>59</sup> (2005) AHRLR 151 at 1-3,5.; Suit no FHC/B/CS/53/05.



applicant's community is a violation of their fundamental rights to a clean and healthy environment as enshrined in the Nigerian Constitution and the African Charter.

In addition, to further strengthen environmental and climate justice in Nigeria, in *Centre for Oil Pollution Watch v Nigerian National Petroleum Corporation*,<sup>60</sup> the court in determining environmental degradation, considered the provisions of Article 24 of the African Charter on Peoples and Human Rights and the Constitution.<sup>61</sup> The African Charter encapsulates that all individuals shall have the right to general satisfactory environment favourable to their development. The Court held that the responsibility of the state to protect the environment is now well accepted notion in all countries. It is the notion in international law that gives rise to the principle of state responsibility to prevent pollution in its own territory. The natural resources of the earth, including the air, the water, land, flora and fauna and especially representative samples of ecosystems, must be strengthened for the benefit of the present and future generations through careful planning and management as appropriate.

Section 20 of the Constitution<sup>62</sup> provides for government to protect the environment. This could be construed to mean promoting clean energy for a sustainable future. However, the Fundamental Objectives and Directive Principles of State Policy which contains detailed provisions on socio-economic rights remain non-justiciable.<sup>63</sup> Although there are enforcement limitations, these cases highlighted above underscores the potential for accountability.

The Constitution places electricity generation, transmission and distribution on the Concurrent Legislative List, thereby bringing power generation within the competence of the Federal and State governments.<sup>64</sup> While the Constitution provides a foundation for power generation and human rights, it falls short in explicitly addressing clean energy development and its intersection with human rights. This lack of clarity creates a challenge in

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<sup>60</sup> (2019) 5 NWLR (Pt. 518).

<sup>61</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C 23 LFN 2004.

<sup>62</sup> *Ibid.*

<sup>63</sup> Chapter II of the Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C 23 LFN 2004.

<sup>64</sup> Part II, Paragraphs 13-14 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C 23 LFN 2004.

promoting sustainable energy and protecting environmental rights. While the Constitution<sup>65</sup> indirectly links environmental protection to clean energy, the Constitution does not provide a clear framework for clean energy development or its role protecting human rights. This inadequacy is one of the shortcomings of this legal framework. Another limitation of the Constitution<sup>66</sup> as a legal framework with regards to clean energy and human rights is that the Constitution does not address the current environmental challenges and opportunities presented by clean energy technologies. Lastly, the non-justiciability of environmental protection under the Constitution weakens the enforceability of environmental rights by virtue of the provisions of section 6(6) (c) of the Constitution.<sup>67</sup>

To this end, the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides a foundation, but a robust legal framework and enforcement mechanism are required to fully leverage on clean energy technologies for the protection of human rights and environmental conservation in Nigeria.<sup>68</sup>

#### **4.2.2 Electricity Act 2023 (As Amended 2024)**

The main regulation guiding clean and renewable energy while upholding human rights in Nigeria is the Electricity Act 2023 (as amended). The Act replaces the Electric Power Sector Reform Act 2005 and governs electricity generation, transmission and distribution.<sup>69</sup> The Act<sup>70</sup> also establishes the Nigerian Electricity Regulatory Commission (NERC) which regulates the electricity sector in Nigeria. The Electricity Act governs the development, financing, operation and sale of power in Nigeria and every aspect of Nigerian Electricity Supply Industry is governed by this Act. The Act liberalised the power sector by allowing private sector participation in the entire value chain of electricity generation, distribution and allied services.

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<sup>65</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C23 LFN 2004.

<sup>66</sup> Ibid.

<sup>67</sup> Ibid. s.6(6) (c).

<sup>68</sup> Olujobi, O.J., et al, Sustainable Development and National Integration: A Catalyst for Enhancing Legal Compliance, Environmental Protection, and Sustainability in Nigeria, (2024) Environmental Policy and Law 53, 6 issues, pp.1-15 <<http://environmentalpolicyandlaw.com>> accessed April 6, 2024.

<sup>69</sup> Renewable Energy Laws and Regulations Report 2024 Nigeria – ICLG.com <<https://iclg.com/practice-areas/renewable-energy-laws-and-regulations/nigeria>> accessed 5 June, 2024.

<sup>70</sup> Electricity Act 2023 (as amended) Cap E7 LFN.

Sections 165, 166 and 167 of the Electricity Act provide for the development and utilisation of renewable energy which include clean energy, the commercial activities for renewable energy and renewable energy incentives and standards.<sup>71</sup> The Electricity Act, 2023 reinforces the importance of clean and renewable energy in electricity generation. It requires NERC and the Independent System Operator (ISO) to continuously promote the generation of electricity from renewable energy sources.<sup>72</sup> NERC also has the obligation to promote the development and utilisation of renewable energy through regulations, standards and issuance of licences relating to the generation and distribution of renewable energy as well as the sales and installation of electricity from renewable energy sources.<sup>73</sup> The Act also mandates NERC to take measures to increase the contribution of renewable energy to Nigeria's energy mix. These include: ensuring that the licensing and fee structure for issuing licenses to renewable energy service enterprises is simplified; and ensuring that regulations defining the function of generating licensees, transmission service providers, and ISO distribution licensees in integrating renewable energy generated capacity into the national grid and distribution network are provided, amongst others.

The Act also introduces mechanisms to incentivise investment in clean and renewable energy projects, such as feed-in tariffs, a policy that guarantees a fixed price for renewable electricity fed into the grid and tax incentives. The Electricity Act, 2023 (as amended) further states that the Ministry of Finance shall introduce tax incentives that are necessary to promote and facilitate the generation and consumption of energy from renewable energy sources.

The Act provides for access to electricity services for all. It mandates the provision of electricity to underserved and vulnerable communities<sup>74</sup> by establishing the Rural Electrification Agency.<sup>75</sup> Furthermore, Section 118 and 119 of the Act<sup>76</sup> provides for procedure for acquisition of land and land access rights for electricity project and consumer protection standards. This framework establishes the protection of electricity consumers' rights and it ensures that electricity consumers are treated fairly. This provision indirectly reinforces the importance of upholding human rights in energy projects.

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<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Electricity Act 2023 (as amended) Cap E7 LFN.

<sup>74</sup> Section 128 (b) of the Electricity Act 2023 (as amended).

<sup>75</sup> Section 127 of the Electricity Act 2023 (as amended).

<sup>76</sup> Electricity Act 2023 (as amended).

The Electricity Act 2023 (as amended) is a positive step towards clean energy while upholding human rights; however, there are some flaws that the Act has not addressed. These include:

- a. No explicit provision for human rights protection such as right to life, health and clean environment in the Act.<sup>77</sup> Furthermore, there is no clear framework for ensuring protection of vulnerable groups, like indigenous communities, affected by clean energy projects.
- b. Lack of Clarity on Federal and State Roles: The Act<sup>78</sup> grants states more autonomy in the power sector. This promotes innovation, but unclear division of responsibilities between Federal and state regulators could lead to conflicting policies and slow down renewable energy project development in Nigeria.
- c. Implementation Challenges: The success of the Act hinges on effective implementation. Setting ambitious clean energy targets without proper funding mechanisms or streamlined permits processes could hinder progress.
- d. Grid Integration Challenges: Integrating large-scale clean energy sources like solar and wind into the existing national grid can be complex and require grid modernization efforts. The Act did not fully address the specific investments needed for this to be attainable.
- e. Focus on Diverse Renewables: While the Act encourages a variety of renewable energy sources, it's important to prioritise the most suitable for Nigeria's geographical or climate need. The specific mix of renewable energy supported by the Act<sup>79</sup> might need further amendment considering the current reality.

The Electricity Act 2023 (as amended) promotes the generation of electricity through clean and renewable energy sources. However, it is important to state that the Act is still relatively new. Observing its implementation and impact on renewable energy development in Nigeria will be crucial for identifying any unforeseen weaknesses of the provisions of the Act.

#### **4.2.3 The Petroleum Industry Act 2021**

The Petroleum Industry Act is to overhaul the Nigerian petroleum sector by providing legal, governance, regulatory and fiscal framework for the Nigerian

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<sup>77</sup> Ibid.

<sup>78</sup> Ibid.

<sup>79</sup> Ibid.

Petroleum Industry.<sup>80</sup> The Petroleum Industry Act (PIA) 2021 primarily focuses on the oil and gas sector; however, it has some provisions related to clean energy. Section 64 of the Act<sup>81</sup> stipulates that NNPC Limited is to engage in the development of renewable resources in competition with private investors. However, Nigeria needs to do more in providing the enabling infrastructure, regulatory framework and the right level of investment for the energy transition, as the role of clean energy in achieving sustainable development goals is to ensure access to affordable, reliable, sustainable and modern energy for all.<sup>82</sup>

One of the flaws of the PIA 2021 is that the Act falls short in addressing human right concerns. The absence of explicit provisions for human rights protection, such as right to life, health and a clean environment in the PIA 2021 calls for an amendment. Secondly, the continued reliance on oil and gas revenue creates a disincentive for transitioning to cleaner energy sources. The Act doesn't necessarily push for a clear roadmap towards a more balanced energy mix. More so, The Act offers tax breaks and other incentives for exploration and production in the oil and gas sector. There is no equivalent level of incentive offered for renewable energy companies, which could hinder their competitiveness.

#### 4.2.4 The Climate Change Act 2021

The Climate Change Act provides a framework for improving the coordination of climate change activities required to meet Nigeria's long-term climate goals. The Act recognises the importance of human rights in addressing climate change and promoting clean energy. The Act<sup>83</sup> established the National Council on Climate Change (NCCC) which was inaugurated in November 2022. The NCCC is charged with the power to issue policies on all matters relating to climate change in Nigeria including developing and implementing a mechanism for Carbon Emission Trading, in consultation with the Federal Ministry of Environment and the Federal Ministry of

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<sup>80</sup> PwC Nigeria, The Petroleum Industry Act 2021 <<https://www.pwc.com/ng/en/publications/nigeria-petroleum-industry-act.html#publication>> accessed 10<sup>th</sup> June, 2024.

<sup>81</sup> Petroleum Industry Act 2021.

<sup>82</sup> Borha, D.O.E., & Olujobi, O.J., (2023), An Examination of the Petroleum Industry Act 2021: Prospects, Challenges, and the Way Forward, Taylor & Francis, F1000Research 2023, 12:551, <https://doi.org/10.5256/f1000research.153263.r197203> accessed July 29, 2024.

<sup>83</sup> Climate Change Act 2021.

Industry, Trade and Investment. The Act recognises the need to protect human rights, including the right to health and a clean environment in addressing climate change.<sup>84</sup>

The Climate Change Act 2021 in Nigeria is a significant step towards clean energy development, but a major drawback is the lack of stringent implementation. The Act establishes a framework and ambitious goals for reducing greenhouse gas emissions and promoting clean and renewable energy.<sup>85</sup> However, it doesn't provide specific details on how these goals will be achieved. The success hinges on the development of a clear Climate Action Plan by the newly formed Climate Change Council. The effectiveness of the Act relies on robust enforcement mechanisms. A history of weak enforcement in environmental regulations in Nigeria raises concerns about holding polluters accountable and ensuring compliance with renewable energy targets. Another drawback of this legislation is the limited provisions for access to justice and remedies for human rights violations related to climate change.

While the Act provides a legal framework for addressing climate change in Nigeria through a range of measures aimed at promoting clean energy, ensuring human rights, and fostering sustainable development, further improvements can be made to ensure the Act aligns with international human rights standard for a just transition to clean energy.

#### **4.2.5 Environmental Impact Assessment (EIA) Act 1992**

The Environmental Impact Assessment (EIA) Act requires that energy projects including clean energy projects undergo environmental impact assessments to assess and mitigate potential environmental and social impacts. In other words, this is to ensure that the clean energy project do not harm the environment and human rights.

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<sup>84</sup> Olujobi, O.J., & Odogbo, I.S., Strategic Evaluation of the 2021 Nigeria Climate Change Act: Surmounting Challenges, Paving the Way for Success, and Envisioning Future Trajectories, *Social Sciences & Humanities Open*, Volume 10, 2024, 100928, <<https://www.sciencedirect.com/science/article/pii/S2590291124001256?via%3Dihub>> accessed July 6, 2024.

<sup>85</sup> Olujobi, O.J., Nigeria's Climate Change Act 2021: A Pathway to Net-Zero Carbon Emission, Energy Security and Sustainability, *Environmental Science and Pollution Research*, Q-1 Springer Nature, Germany, ranked 83rd Percentile Indexed in Scopus), Impact factor: 5.8 (2022), <DOI 10.1007/s11356-024-33347-1> accessed July 29, 2024.

A power developer who intends to carry out power generation operations through the use of clean and renewable energy must register the project with the Federal Ministry of Environment for an environmental impact assessment as section 2 of the Act<sup>86</sup> provides for assessment of public or private project likely to have a significant impact on the environment. This is to ensure that clean and renewable energy projects adhere to environmental and sustainability standards. Clean energy ensures that clean energy projects comply with environmental regulations and standards, while human rights provides legal recourse for addressing human rights violations related to environmental impacts.

The Environmental Impact Assessment (EIA) Act 1992, while a positive step for environmental protection, has some limitations when it comes to promoting clean energy development. This includes no express provisions for human rights protection, such as right to life, health and a clean environment, limited scope for renewables. The Act's categorization of projects for mandatory EIA might not fully capture the potential environmental impacts of certain renewable energy projects.<sup>87</sup> For instance, large-scale solar farms or hydropower plants could have significant social or ecological impacts not adequately addressed by the current Environmental Impact Assessment framework.

More so, time and cost are constraints to the development of clean and renewable energy projects in Nigeria. The EIA process can be time-consuming and expensive, potentially discouraging some developers, particularly those for smaller-scale renewable energy projects. By addressing these shortcomings, the EIA Act can become a more effective tool for promoting sustainable development of clean energy in Nigeria while upholding human rights standard throughout the process. To this end, the Environmental Impact Assessment Act plays a crucial role in regulating the environmental and social impacts of projects, including clean energy initiatives, in Nigeria. Its provisions ensure that clean energy projects are

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<sup>86</sup> Environmental Impact Assessment Act Cap E12 LFN 2004.

<sup>87</sup> Olujobi, O.J., et al, Carbon Emission, Solid Waste Management, and Electricity Generation: A Legal and Empirical Perspective for Renewable Energy in Nigeria, (2022), International Environmental Agreements: Politics, LAW and Economics, Springer Nature, Netherlands, DOI 10.1007/s10784-021-09558. <https://link.springer.com/article/10.1007%2Fs10784-021-09558-z#citeas> accessed July 29, 2024.

planned and executed in an environmentally sustainable and socially responsible manner, upholding human rights.

#### **4.2.6 Land Use Act 1978**

The Land Use Act<sup>88</sup> regulates land use and acquisition which is crucial for clean energy projects, and requires consideration of human rights and community interest. In Nigeria, every citizen possesses the right to acquire and own immovable property in Nigeria. However, the right to own immovable property as enshrined in the Constitution<sup>89</sup> is not total. Large scale renewable energy projects can impact individuals and local communities' land rights, potentially leading to displacement and human rights violations.

While the Act does not explicitly focus on human rights, it has some indirect provisions that promote human rights in clean energy development. By virtue of Section 1 of the Act,<sup>90</sup> all lands comprised in the territory of each State in Nigeria are vested in the Governor of that State which is held in trust and administered for the use and benefit for the people, implying a responsibility to protect public interests, including human rights. Furthermore the compulsory acquisition of land by the government either for the development of clean energy projects or for public interest may require compensation which indirectly protects the right to property and livelihood.

Although clean energy projects have benefits, they can also displace communities, restrict access to land and resources, or have unfair labor practices. A just transition to clean energy requires respecting human rights throughout the process. While the Act<sup>91</sup> takes some steps to promoting human rights in clean energy development, this legislation is not without its shortcomings. This flaw includes no explicit provisions for human rights protection, no clear framework for ensuring the protection of vulnerable groups like indigenous communities, affected by clean energy projects and limited provision for public participation and access to information in land acquisition processes. In conclusion, the LUA 1978 requires an amendment to explicitly include human rights provision, aligning with international

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<sup>88</sup> Cap L5 LFN 2004.

<sup>89</sup> Constitution of the Federal Republic of Nigeria 1999 (as amended) Cap C 23 LFN 2004.

<sup>90</sup> Land Use Act 1978 Cap L5 LFN 2004.

<sup>91</sup> Ibid.



human rights standards. This would ensure that clean energy development in Nigeria prioritises human rights provisions.

## 5. CONCLUSION AND RECOMMENDATIONS

This article has established that human rights and clean energy are closely linked, and the laws that govern the energy industry in Nigeria are crucial for fostering a fair transition to a low-carbon economy that places human rights and sustainable development first. The findings of this study draw awareness to the gaps and inconsistencies in the legal framework, which downplay human rights and other related issues. Interestingly, a human rights-based approach to energy development in Nigeria is key to addressing these concerns since it ensures the legal framework incorporates human rights provisions into policies and laws pertaining to energy and the evaluation of the impact on human rights, provides access to redress for violations of human rights and gives the most vulnerable groups priority. Hence, Nigeria can guarantee a just transition to a low-carbon economy that supports sustainable development, gives human rights top priority, and leaves no one behind by adopting a human rights-based approach. This article recommends the following base on its findings:

1. **Integrating human rights into energy laws and policies:** The National Assembly vested with legislative powers should enact comprehensive laws that integrate human rights with energy policies ensuring that the laws and policies pertaining to the energy sector clearly acknowledge and defend human rights, such as the rights to life, health, water, and a sufficient standard of living. Furthermore, the National Assembly should amend the Constitution of the Federal Republic of Nigeria 1999, especially Chapter II of the Constitution to provide for legally enforceable economic, social and cultural rights which are Non-justiciable in the Nigerian courts. Also, the Land Use Act 1978 requires an amendment to explicitly include human rights provision, aligning with international human rights standards. This would ensure clean energy development in Nigeria prioritises human rights provisions.
2. **Conducting of Human Rights Impact Assessments:** Developers of clean and renewable energy projects should always evaluate potential implications on human rights in energy-related projects and policies on a regular basis, and create mitigation tactics to address negative outcomes. This can be done by establishing metrics to assess how energy projects and policies affect human rights and monitor the Sustainable Development Goals progress.

3. **Ensuring Access to Remedy:** The Federal and State Government should provide efficient channels through which people and communities can seek redress for violations of human rights resulting from energy-related projects. A legal framework that prioritises vulnerable populations in the transition to low carbon economy is crucial in upholding human rights. This will ensure that low-income households, women, and indigenous peoples are given priority when it comes to their needs and rights in energy policies and projects. More so, to guarantee that human rights concerns are taken into account in energy decision-making processes, promote communication between governments, energy businesses, civil society, and local communities.
4. **Strengthening International Cooperation:** The government and non-governmental organisation working in this area should strive in promoting capacity building to develop human rights-based approaches to energy development, exchange best practices, and offer technical assistance through international cooperation.