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APPRAISING SUSTAINABLE DEVELOPMENT AND THE RIGHTS OF FUTURE GENERATIONS IN NIGERIA

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Abstract

The examination of the intersection between intergenerational equity, sustainable development, and the rights of future generations within the Nigerian legal framework is imperative. Intergenerational equity requires that the use of resources by the present generation does not compromise the ability of succeeding generations to satisfy their own needs. The essence of intergenerational equity and sustainable development is to balance the needs of the present and the future generations. Though, the Universal Declaration of Human Rights (UNDHR) of 1948 did not expressly provide for environmental protection and sustainable development but it is implied in its provisions on right to life, health and adequate standard of living for all. Express determination to protect the environmental interests of both the present and future generations was first brought to the world focus in the 1987 Brundtland Report and the Rio Declarations of 1992 requiring the need to save the succeeding generations from the scourge of the present environmental abuse. It is against this background, that the authors analysed and exposed the level of environmental abuse in Nigeria which is in contradistinction with the global commitment to ensure a sustainable future. The paper therefore maintained strict enforcement of both local and international legal frameworks on sustainable development goals.

Key words: Climate Change, Generational Equity, Sustainable Development, Resources, Environment

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1. Introduction

Over the years, sustainable development has become one of the most influential principles in international environmental law and has been over-emphasized globally. The concept of sustainable development was first formulated in the Brundtland Report of 1987 which was published by the United Nations Commission on Environment and Development.¹In 2015, the United Nations adopted the 2030 agenda for sustainable development and introduced seventeen programmes to be executed by the countries of the world whether rich or poor to ensure the

¹ Ogbu Nneamaka Augustina & Emmanuel Okey Awa, 'The Concept of Sustainable Development' (2025)5 (1) *International Journal of Advanced Multidisciplinary Research and Studies* 813.

maximum use of the natural resources in a manner that would address the needs of both the present and future generations. Member states of the United Nations made pledges to cooperate with the United Nations and ensure the unhindered implementation of the programmes for the benefit of the entire human race. With barely four years to 2030, the most central concern of many environmentalists and scholars has been the level of commitment to these goals.²

Many countries of the world, in pursuance of these goals, have shown much commitment while others have not. Nigeria is one of the countries of the world that have shown commitment to the unhindered accomplishment of these Goals with the aid of massive legal frameworks and policies on environmental protection. Prof. Atsegbua, *et al*, stated that for a couple of years, Nigeria has enacted series of laws for environmental protection and sustainable development.³ Examples of such laws include the Harmful Wastes (Special Criminal Provisions) Act of 1988, Environmental Impact Assessment Act of 1992, National Oil Spill Detection and Response Agency (NOSDRA) Act of 2006, National Environmental Standards and Regulations Enforcement Agency (NESREA) Act of 2007, Climate Change Act of 2021, Petroleum Industry Act of 2021 and the Forestry Laws of the states. In addition, Nigeria is a signatory to many treaties for environmental protection and sustainable development. Atsegbua observed that:

In Nigeria, for proper enforcement of pollution laws geared towards achieving sustainable development within the shortest possible time, the country has enacted about 35 federal statutes covering national environmental protection and has ratified about 15 international environmental agreements. Each of the 36 states of Nigeria and the FCT Abuja has two main laws dealing with environmental protection.⁴

It is regrettable that barely four years to 2030, the level of environmental degradation in Nigeria is in sharp contradistinction to the country's pledge to cooperate with the United Nations and other countries of the world to achieve the SDGs 2030. The country has a lot of environmental laws but pays only lip service to their enforcement. The after effect is that the country continues to witness serious environmental crisis which is ordinarily avoidable under strict law implementation. The level of environmental degradation in Nigeria impairs the quality of life and compromises the ability of the future generations to meet with own needs. That is why a change of attitudes toward the environment is very imperative at this critical period in the history of humanity where the future is uncertain due to the impact of climate change.

² Abdul Qadeer, *et al*, *Sustainable Development Goals under Threat? Multidimensional Impact of COVID-19 on Our Planet and Society Outweigh Short Term Global Pollution Reduction*, 2022 May 22, <<https://pmc.ncbi.nlm.nih.gov/articles/PMC9124372>> accessed 9 May 2022.

³ Lawrence Atsegbua, SAN, *et al*, *Environmental Law in Nigeria, Theory and Practice*, 3rd edition, 2026, 85.

⁴ *Ibid*, at p. 237

2. Nature and scope of sustainable development

One of the greatest shortcomings of the entire human race is the exploitation of the environment for immediate gain without replenishment. Resources have been used and misused resulting in irreparable damage to the environment. Today, we are confronted by series of environmental problems such as water crisis, floods, climate change and desertification. The mere fact that environment is a gift of nature brings to the fore ethical issues of environmental stewardship and accountability.⁵ The protection of the environment is a primary responsibility of mankind because life on earth is not possible without the environment. Many are not conscious of this. Hence, the scale of environmental abuse and the aftereffect has always been in the increase. For instance, the threat of climate change resulted from unconscious and thoughtless emission of greenhouse gases into the atmosphere. It affects the entire human race as a burden. That is why the global community is disturbed leading to series of conferences and protocols for the protection of the environment and life on earth. The environment is a common heritage and so not an exclusive preserve of any generation but rather belongs to generations upon generations. This requires fairness in its exploitation so it can be bequeathed to countless generations yet unborn in the same manner it was inherited from the past generations.

The idea of protecting the interest of future generations was first mooted under the Preamble to the UDHR 1948 which proclaimed to “save succeeding generations from the scourge of war” because today’s wars may have inimical effects on generations yet unborn. A sustainable society can only be guaranteed where there is peaceful coexistence. Breakdown of law and order, civil unrest, war and violent competition for natural resources hinder sustainability. The 1972 Stockholm Conference did not specifically mention sustainable development but produced 26 principles from where the concept of environmental sustainability was birthed.⁶ The term was first used in the Brundtland Report of 1987 published by the World Commission on Environment and Development where it was defined as the development that meets the needs of the present generation without jeopardizing the ability of the future generations to satisfy their own needs. Two decades after the Stockholm Conference came the Rio Conference of 1992 also known as the Earth Summit which main focus was to invest in the future and foster sustainable development in the 21st century.⁷ It established 27 principles that would guide the nations of the

⁵ B. Shyamala & S. Shwetha, ‘Relevance of Ancient Indian Methods of Environmental Protection in the Present Day Scenario’ (2018)1 (3) *International Review of Business and Economics* 162.

⁶ See R Kemp, *et al*, ‘Governance for Sustainable Development: Moving from Theory to Practice’ (2005)8 *International Journal for Sustainable Development* 12–30.

⁷ See Agenda 21 of the United Nations Conference on Environment and Development, Rio de Janeiro, Brazil, 3-14 June 1992 <<https://www.un.org/en/conferences/environment/rio1992>> accessed 9 May 2026.

world in carrying out developments and at the same time safeguarding the environment. The Summit declared that, ‘the concept of sustainable development was an attainable goal for all the people of the world, regardless of whether they were at the local, national, regional or international level.’⁸

The Johannesburg World Summit was also held in 2002 to mark the 10th anniversary of the Rio Conference of 1992 and to assess the progress made so far on sustainable development and adopt new strategies to facilitate the accomplishment of the UN environmental objectives.⁹ The new strategies included economic development, social development and environmental protection. The UN also convened a conference on sustainable development in the same Rio de Janeiro, Brazil, from 13-22 of June 2012 referred to as Rio+20 as it came after 20 years of the first Rio Declarations.¹⁰ It was meant to address the implementation gaps from the past summits because the implementation has been so weak. The Key outcome of the Rio+20 was the adoption of the document titled “The Future We Want” which launched the process of Sustainable Development Goals (SDGs) encompassing broader issues on green economy, energy, health, poverty eradication, climate change and gender equality.¹¹ The decisions reached at Rio+20 were approved at the UN General Assembly held in September 2015. It was the same General Assembly 2015 that adopted the 17 SDGs and called on all nations of the world to pursue and achieve broad goals by 2030.¹² These aspirational goals were designed to overcome the world challenges and transform our earth by 2030 and they include:

No poverty (SDG1), zero hunger (SDG2), good health and well-being (SDG3), quality education (SDG4), gender quality (SDG5), clean water and sanitation (SDG6), affordable and clean energy (SDG7), decent work and economic growth (SDG8), industry, innovation and infrastructure (SDG9), reduced inequalities (SDG10), sustainable cities and communities (SDG11), responsible consumption and production (SDG12), climate action (SDG13), life below water (SDG14), life on land (SDG15), peace, justice and strong institutions (SDG16), and partnerships for the goals (SDG17).¹³

⁸ Ibid. See also N Hawke, ‘United Kingdom Strategy for Sustainable Development’ (1993) *Environmental Liability* 96.

⁹ See *World Summit on Sustainable Development*, 26 August-4 September 2002, Johannesburg <<https://www.un.org/en/conferences/environme>> accessed 9 May 2026.

¹⁰ See Frank Biermann, *Essential Concepts for Implementing the Sustainable Development Goals*, 2012, 162.

¹¹ G Liobikiene, ‘Evaluation of Bioeconomy in the Context of Strong Sustainability’ (2019)27 *Sustainable Development* 959

¹² S. Wichaisri and A. Sopadang, ‘Trends and Future Directions in Sustainable Development’ (2018) 26 *Sustainable Development* 16.

¹³ See UNDP Sustainable Development Goals <<https://www.undp.org/sustainable-development-goals>> accessed 10 May 2026. See also Meghna Dilip and Margaret E. Kerr, ‘Circles of Sustainability: An Activity for Visualizing Synergies and Trade-Offs in a Systems Thinking Environment’ (2024)17 (1) *Green Chemistry Letters and Reviews* 87. Abdul Qadeer, *et al*, *Sustainable Development Goals under Threat? Multinational Impact of COVID-19 on Our*

The 17 goals above encompass 169 targets and 304 indicators used by the UN not only to monitor and measure progress but also guide the nations of the world on the use of natural resources without destroying the environment. The goals are meant to be pursued with high sense of responsibility and unity of purpose among the nations of the world whether rich or poor, developed or undeveloped because environmental crisis affects the entire human race as a burden. It was also recognized that action in one of the goals affects others and so necessary to balance actions and work on all the goals simultaneously to ensure a sustainable and equitable future.¹⁴

Another significant World Summit on Sustainable Development held after the Rio+20 was in the year 2022 in Stockholm, Sweden, from 16 to 18 February. It was a virtual Summit due to COVID-19 pandemic and hosted by the Energy and Resources Institute (TERI) in Sweden with the deliberations focused on the Theme “Towards a Resilient Planet: Ensuring a Sustainable and Equitable Future”.¹⁵ The virtual Summit brought together different nations of the world, including international organizations, businesses, industries, researchers, academics, students, civil society, other high-profile speakers around the world, the youths and Non-Governmental Organizations (NGOs) which addressed critical environmental issues ranging from climate change, energy and resource security, production, consumption and the necessity for environmental sustainability.¹⁶ The virtual format resulted in participation of many attendees by removing traveling expenses and other logistical and financial barriers associated with physical Summits. Many participated in the Summit from their own homes. That is why there was very high participation of many individuals, including the youths and the students, despite the distances and disparities in incomes.¹⁷ According to Yates, ‘transitioning online resulted in large reductions in travel-related aviation CO₂ emissions, alongside increased attendance-including among attendees from low-income and middle-income countries.’¹⁸

The major criticism of the 2022 virtual Summit is the inequalities in the access of all the participants to digital source especially those from the developing countries of the

Planet and Society Outweigh Short Term Global Pollution Reduction 2022 May 22, <<https://pmc.ncbi.nlm.nih.gov/articles/PMC9124372>> accessed 10 May 2026.

¹⁴ Natarajan Ishwaran, ‘After Rio+20: Translating Words in Action’ (2012)4 *Environmental Development* 184-185.

¹⁵ Ibid.

¹⁶ See *World Sustainable Development Summit 2022* <<https://www.greenpolicyplatform.org/event/world-sustaina>> accessed 11 May 2026.

¹⁷ Joe Yates, *et al*, ‘Can Virtual Events Achieve Co-Benefits for Climate, Participation and Satisfaction? Comparative Evidence from Five International Agriculture, Nutrition and Health Academy Week Conferences’ (2022)6 (2) *The Lancet Planetary Health* 164-170.

¹⁸ Ibid, at p. 169

world.¹⁹ Virtual formats cannot be potential substitutes to on-site Summits with one on one deliberations and sustainability negotiations. Many critics often argue that online deliberations are not as efficacious as on-site high-level diplomatic meetings that produce significant, spontaneous and transformative results.²⁰ If the past UN in-person Summits could not produce the desired results due to gaps in the implementations of the key outcomes, the virtual format is incapable of fostering the integrated, multi-stakeholder partnerships required to bridge the implementation gaps.²¹

2.1 Intergenerational Equity

Intergenerational equity is the cornerstone of sustainable development because a key requirement of the latter is justice for the future generations. As stated earlier, the fact that natural resources are divine gifts, they are meant to be judiciously utilized so as to serve generations upon generations, both the born and the unborn. Any generation should all be proud to be referred to as good ancestors by the succeeding generations rather than stealing from the latter. That was the central idea of the Brundtland Report of 1987 on sustainable development which imposes obligations on the current generations to exploit resources in a manner that guarantees their sustainability. Intergenerational equity demands that the present generations should exploit the resources for their own needs and developments in a manner that the generations thereafter will still have opportunities of harvesting the resources for their own needs.²² Weis described intergenerational equity as a concept that requires fairness among generations which includes concerns and respect to all human beings irrespective of where and when they were born.²³ The obligation may be owed by each generation to the members of the same generation. It means fairness and justice in the use of natural resources and other available benefits among contemporaries such as parents and their children, leaders and their subjects or among different ethnic nationalities.

It entails reciprocity, mutual cooperation and the spirit of live and let live through judicious and equitable distribution of natural resources in a manner that breeds peace and unity among those

¹⁹ S. Nwokolo, *et al*, 'Africa's Path to Sustainability: Harnessing Technology, Policy and Collaboration' (2024)10 *Trends Renewable Energy* 98-131,

²⁰ Dharmendra Hariyani, *et al*, 'Digital Technologies for the Sustainable Development Goals' (2025)3 (3) *Green Technologies and Sustainability* <<https://www.sciencedirect.com/science/article>> accessed 11 May 2026

²¹ S. H. Zyoud, 'Analyzing and Visualizing Global Research Trends On COVID-19 Linked to Sustainable Development Goals' (2022) *Environment, Development and Sustainability* 32

²² I. O. Smith, 'Sustainable Development and Environmental Diplomacy: Reconciling Economic Growth with Environmental Protection by the Year 2000 and Beyond' (1998) *Environmental Law and Policy* 244.

²³ Edith Brown Weis, 'Intergenerational Equity' (2021) *Max Planck Encyclopedias of International Law*, referred to in United Nations System, *Duties to the Future through an Intergenerational Equity Lens: Frequently Asked Questions*, 22 January 2024 <<https://unsce.org/sites/default/files/2024>> accessed 12 May 2026.

who are alive.²⁴ That is what the phrase “meeting the needs of the present” entails. Therefore, the duty to safeguard the environment is not only meant for the protection of the interest of future generations but also for the benefits of those sharing the planet at the same time irrespective of their states of origin, colour, race, gender, language, nationality or religion. It is inconsistent with nepotism, marginalization, cheating, impunity, lawlessness and recklessness in the use of God given resources.²⁵ That is why Ptaschunder stated that for a successful implementation of intergenerational equity, there must be thorough understanding of the present imbalances.²⁶ There should be non-discriminatory access to the Earth and its resources among those who are alive. Equitable use of resources is made possible through good laws and policies and the willingness of the state to enforce them for the general good of the people. It involves the doctrine of trust and fiduciary relationship and satisfies the basic requirements of the international human rights framework and the UN Charter.²⁷

The second type of intergenerational equity is focused on the interest of future generations as also captured in the Brundtland Report of 1987. It requires sustainable use of natural resources in a manner that the needs of the future generations are not compromised. The basic concept is environmental stewardship or accountability by those who are entrusted with the environment today to use and bequeath the same in good condition to their successors. This is because all generations past, present and future are partners in the use of God given resources.²⁸ Therefore, there should be equitable and fair distribution of benefits, risks and costs in all sectors, including socioeconomic sectors, between present and future generations.²⁹ Accountability to the future generations was well recognized in the Declaration by the United Nations Educational, Scientific and Cultural Organization (UNESCO) on the responsibilities of the present generations towards future generations which proclaimed, among others, that “[t]he present generations have the responsibility of ensuring that the needs and interests of present and future generations are fully

²⁴ Mazor, Joseph, ‘Liberal Justice, Future People, and Natural Resource Conservation’ (2010)38 (4) *Philosophy & Public Affairs* 389

²⁵ Brandstedt, Eric, ‘The Circumstances of Intergenerational Justice’ (2015)2 (1) *Moral Philosophy and Politics* 33–55. See also Hill A. Renée, ‘Compensatory Justice: Over Time and Between Groups’ (2002)10 (4) *Journal of Political Philosophy* 399.

²⁶ Julia M. Ptaschunder (2019) *On the Social Representations of Intergenerational Equity* 4

²⁷ Sanklecha, Pranay, ‘Our Obligations to Future Generations: The Limits of Intergenerational Justice and the Necessity of the Ethics of Metaphysics’ (2017)47 (2-3) *Canadian Journal of Philosophy* 229–245.

²⁸ Page A. Edward, ‘Justice between Generations: Investigating a Sufficiency Approach’ (2007)3 (1) *Journal of Global Ethics* 18.

²⁹ English Jane, ‘Justice between Generations’ (1977)31 (2) *Philosophical Studies* 99

safeguarded.”³⁰ Article 4 of the 1997 UNESCO Declaration captioned ‘Preservation of Life on Earth’ states that:

The present generations have the responsibility to bequeath to future generations an Earth which will not one day be irreversibly damaged by human activity. Each generation inheriting the Earth temporarily should take care to use natural resources reasonably and ensure that life is not prejudiced by harmful modifications of the ecosystems and that scientific and technological progress in all fields does not harm life on Earth.³¹

The key policy areas in this particular Article include present generations, future generations, natural resources, environmental stewardship, resource management, harm prevention and technological responsibility.³² In 2013, the UN Secretary General, Ban Ki-moon, in his Report to the General Assembly on “Intergenerational solidarity and the needs of future generations” gave an overview of the commitments of the global community to the well-being of future generations through various international treaties, declarations, committees, commissioners, and ombudspersons with primary focus on the interests of the future.³³ The Report stated in unambiguous terms that caring and providing for future generation have been the main essence of sustainable development.³⁴ The Report proposed the office of a High Commissioner to be charged with the responsibility of canvassing for intergenerational solidarity through research and constant interactions with the UN member states, other stakeholders and specialized agencies.

It advocated for the inclusion of the youths and the children in decision-making and implementation of the programmes on sustainable development.³⁵ This is consequent upon the fact that the future generations lack influence, voice and representations in today’s decision and policy makings even when their rights, interests and lives are at stake. They are not existing right-holders. They do not take part in the present-day decision making. They do not vote, and as reechoed in the Brundtland Report of 1987, they have no political or financial power. They

³⁰ See Article 1 of the UNESCO Declarations on the Responsibilities of the Present Generations towards Future Generations at its 29th session held in Paris from 21 October to 12 November 1997 <<https://www.unesco.org/en/legal-affairs/declaration>> accessed 13 May 2026. See also Edith Brown Weiss, ‘Climate Change, Intergenerational Equity, and International Law’ (2008)9 *Vermont Journal of Environmental Law* 617.

³¹ Article 5 captioned “Protection of the Environment” provides that (1) In order to ensure that future generations benefit from the richness of the Earth’s ecosystems, the present generations should strive for sustainable development and preserve living conditions, particularly the quality and integrity of the environment. (2) The present generations should ensure that future generations are not exposed to pollution which may endanger their health or their existence itself. (3) The present generations should preserve for future generations natural resources necessary for sustaining human life and for its development. (4) The present generations should take into account possible consequences for future generations of major projects before these are carried out.

³² Antoon De Baets, ‘A Declaration of the Responsibilities of Present Generations toward Past Generations’ (2004)43 *History and Theory, Theme* 130-164.

³³ See *UNSG Issues Report on Intergenerational Solidarity*, 2013 <<https://sdg.iisd.org/news/unsg-issues-report-on-intergenerational>> accessed 13 May 2026.

³⁴ Ibid.

³⁵ See Marianne Takle (2024) *Showing Social Solidarity with Future Generations* 153-162

cannot challenge our decisions whereas the result of the present extravagance affects their rights in many ways, yet we get away with it.³⁶ That is a big challenge. Weis stated that even though youths are part of the present generation but their lives extend into the future and may have overlapping interests and special affinity with the future generations. Therefore, they deserve a space at the table if the decisions and policy making processes for the future generation will be meaning and effective.³⁷ Weis stated further that;

This will ensure the strengthening of intergenerational partnerships, keeping in mind the particular needs and preferences of both the older and the younger in discussions around future generations.³⁸

The decisions were transitioned to the national levels so that national institutions should also be instruments of implementation of the SDGs. The domestic legislative and policy measures should also serve as instruments of implementations.³⁹ It is against this backdrop that many foresighted nations employed their domestic legal frameworks and international laws and policies to salvage the interest of future generations. The domestic frameworks are geared towards curbing the over exploitation of resources and encouraging equal access to the resources by all generations, both present and the future. That is why there is proliferation in the constitutional recognition of the rights of future generations globally in an unprecedented manner. Roughly, 41% of national constitutions incorporate the rights of future generations as part of enforceable rights provisions for future impacts.⁴⁰ For instance, some countries of the world such as Germany, South Africa, Hungary, Norway, and Brazil have recognized the right to quality environment and the right of future generations in their respective Constitutions to reflect the international trends in that regard. According to Araujo and Koessler, ‘Constitutions worldwide have seen the rise of future generations. Considering the 193 UN member states, Kosovo, Palestine, and Taiwan, 41% (81 out of 196) of constitutions explicitly referenced future generations....’⁴¹

³⁶ See Our Common Future, Brundtland (1987) referred to in Daouia Chalali, *How a “Guardian” for Future Generations Can Transform Global Policymaking*, 2025 <<https://unu.edu/cpr/blog-post/how-guardian-future>> accessed 15 May 2026.

³⁷ Edith Brown Weiss, ‘The Planetary Trust: Conservation & Intergenerational Equity’ (1984)11 (4) *Georgetown University Law Center* 498.

³⁸ *Ibid.*

³⁹ See United Nations System, Duties to the future through an intergenerational equity lens: Frequently Asked Questions, 22 January 2024 <<https://unsceb.org/sites/default/files/2024>> accessed 13 May 2026.

⁴⁰ Ekeli, Kristian Skagen, ‘Giving a Voice to Posterity-Deliberative Democracy and Representation of Future People’ (2005)18 *Journal of Agricultural and Environmental Ethics* 432

⁴¹ Renan Araujo & Leonie Koessler, ‘The Rise of the Constitutional Protection of Future Generations, 2022, <<https://verfassungsblog.de/the-rise-of-the-constitutional>> accessed 14 May 2026.

Article 112 of the Constitution of Norway 1814 (amended in 2024), for instance, partly provides that natural resources of the country should be well managed for the long term benefits of safeguarding the rights of the people and the “future generations as well”. While Article 5 of the 1997 Constitution of Poland provides for sustainable development, Article 74 explicitly made it obligatory on the state authorities to protect the environment for both present and future generations.⁴²The 1996 Constitution of South Africa also recognized the right of future generations under its Bill of Rights by providing that the environment must be protected, for the benefit of present and future generations, through reasonable legislative and other measures.⁴³Future generations are also well captured in the Preamble of the Charter of Fundamental Rights of the European Union. These provisions align with the principle of intergenerational equity by requiring that all decisions and measures of the states should consider long-term impacts.⁴⁴In conformity with the constitutional mandate, the President of South Africa, Cyril Ramaphosa, in 2018 called on all and sundry to join hands together in promoting the rights of the people so that, ‘all can enjoy the freedoms that we so dearly cherish so we can bequeath a better, fairer world to the generations that will follow....It is about the future.’⁴⁵ Aligning with this view, many states and institutions believed that the constitutional provisions and governance structures are insufficient to safeguard the rights of future generations and so deserves a different approach.⁴⁶Even the inclusion of youths in decision making is not enough. Against this backdrop, the World Future Council has repeatedly called on the nations of the earth to appoint Ombudspersons at all governance levels to act as official representatives of the future

⁴² The Preamble to the same Constitution requires that the country bequeaths to future generations all that is valuable from its over one thousand years’ heritage. See Stone Christopher, ‘Safeguarding Future Generations’ (1998) *Future Generations and International Law* 65-79.

⁴³ Article 24(b). The Constitution of Kenya 2010 acknowledged the rights of the future generations in its Preamble. Article 10(d) explicitly provides for sustainable development while Article 42(a) specifically provides for the right to a clean environment for the benefit of both the present and future generations. Article 73(1) of the Constitution of Zimbabwe (Amendment No. 20 of 2013) provides for environmental rights for the benefits of both present and future generations. Article 20a of the 1949 Constitution of Germany while making it obligatory on the state to protect the natural foundations of life and animals through law also, urged it to be mindful of “its responsibility towards future generations. See also Articles 225 of the 1988 Constitution of Brazil, Article 7bis of the 1831 Constitution of Belgium (rev. 2014) and Article 5(1) of the Constitution of Bhutan 2008 that are emphatic on the protection of the rights of future generations. See Gerd Winter, ‘The Intergenerational Effect of Fundamental Rights: A Contribution of the German Federal Court to Climate Protection’ (2022)34 (1) *Journal of Environmental Law* 217.

⁴⁴ See John Murphy, ‘Second Generation Rights and the Bill of Rights Debate in South Africa’ (1992)4 (2) *South African Sociological Review* 30-53.

⁴⁵ President Cyril Ramaphosa, Keynote Address on 70th Anniversary of Universal Declaration of Human Right, Constitution Hill, Johannesburg, South Africa, 7 December 2018 <<https://www.sahrc.org.za/index.php/sahrc-media/speeches>> accessed 14 May 2026.

⁴⁶ See Julia Tscherrig, Safeguarding Rights of Future Generations, 19 October 2023 <<https://www.thebeyondlab.org/article/commentary>> accessed 15 May 2026.

generations in all decisions and policy making.⁴⁷ With this, the states can make inclusive and more future-oriented deliberations and decisions. Many countries have responded to that call resulting in the enactment of Well-Being of Future Generations Act to enable them appoint Ombudspersons to directly represent the interest of future generations. An instance is the Well-being of Future Generations (Wales) Act of 2015 which empowered the government of Wales to appoint Ombudsman conferred with the responsibility of acting as a guardian for the interests of unborn generations.⁴⁸ Similar institutions also exist Hungary, New Zealand, Finland, Israel and many other countries with varying mandates. Hungary for instance, has a well-grounded Ombudsman for Future Generations established in 2008 to act as a watch in ensuring that government policies are geared towards protecting the interests of future generations.⁴⁹ The Ombudsmen enjoy autonomy from the Executives so they can be firm in the protection of the interests of future generations despite whose ox is gored.⁵⁰

3. Climate Change and Future Generations

Climate change is one of the greatest threats to future generations. It is a long term change in weather, conditions resulting mainly from human induced factors particularly the emission of greenhouse gases into the atmosphere thereby destroying the natural gases that shield the earth from ultraviolet radiation.⁵¹ The impacts of climate are already being felt today globally and everybody is a victim. It ranges from food scarcity, desertification, storms, severe flooding, water scarcity, heat waves, ice melting, sea level rise, prolonged droughts, poverty, worsening health, unprecedented deaths, wild-fires, among others.⁵² Increased global warming and threats to ozone layer affects the entire human race as a burden and so it is a global concern. Climate change influences the exposure of all living organisms to the lethal ultraviolet radiation. If the radiation intensity continues unabated, the likelihood of this earth being uninhabitable in future is indisputable and a lot of lives will eventually go into catastrophic extinction.⁵³ That is why it is the greatest threat to human existence across the globe. Research revealed that in the year 2000

⁴⁷ See Alice Vincent, *Ombudspersons for Future Generations: Bringing Intergenerational Justice into the Heart of Policymaking*, June 2012, No. 1 & 2 Vol. XLIX, *The Future We Want?* <<https://www.un.org/en/chronicle/article>> accessed 15 May 2026.

⁴⁸ See Part 3, Article 17 of the Well-Being of Future Generations (Wales) Act 2015.

⁴⁹ Stefania Bodi, *The Ombudsman Institution in Hungary*, 2024, 526.

⁵⁰ Carlos Alberto Alza, 'The Ombuds' Role in Holding States Accountable for Human Rights Violations: Persuasion and Legal Mechanisms' (2025) *Research Handbook on Accountability for Human Rights Violations* 297–318.

⁵¹ Stanley Okorie, 'Climate Change and Us' (2008) *The Daily Sun*, 18 August 2008, 9.

⁵² *Ibid.*

⁵³ Joseph Nwazi, 'Assessing the Problems of Climate Change: Using Law as an Instrument of Control in Nigeria' (2011) 4 *Journal of Public and Private Law*, Nnamdi Azikiwe University, Awka, 266

alone, India experienced devastating clones twice that led to the deaths of millions of people which was unprecedented in the history of that country.⁵⁴

Apart from loss of human lives, many animals today have gone into extinction. In Nigeria, for instance, vultures are fast vanishing across the country unlike in the past when they were of immense environmental value. They scavenge on decayed carcasses and serve as nature's sanitation agents. Williams, *et al*, stated that "by consuming rotting carcasses quickly, they prevent the spread of lethal diseases like anthrax and rabies".⁵⁵ Many other endangered species are in the same category across the globe. Mgbolu stated that extinction of life on earth is a serious adverse effect of climate change that is within human foresight.⁵⁶ This may occur in hundreds or millions of years to come if the pace of the greenhouse gas emissions is not controlled. An organism that cannot stand the relatively hostile conditions of the climate become endangered species and can easily get into extinction. This is affirmed by the scientific discovery that presently, there is rapid disappearance of species in this planet now than any other time in history consequent upon the adverse effects of climate change.⁵⁷ Mgbolu added that;

In 1987 alone, about 50 acres of species in the rich forests disappeared. More than 16,000 species of the world's mammals, birds, plants and other organisms are at present officially regarded as threatened with extinction to one degree or another. The numbers in the threatened categories are steadily rising.⁵⁸

Climate change is an intergenerational issue because even though it is driven by the present-day human activities, both present and future generations bear the burden. Those who contribute little or nothing to the crisis, such as children and generations yet unborn, are not spared from the impacts. The former President of the US, Barack Obama, in his State of the Union address in 2015 stated affirmed that "climate change is the greatest threat to future generations".⁵⁹ The choice we make today in the exploitation of natural resources to meet our present needs leads to catastrophic existential threat to the unborn generations. Scientific discovery revealed that the impact of climate change being experienced today is mainly attributable to the greenhouse gas

⁵⁴ Ce Dr Sumanta Bhattacharya & Bhavneet Kaur Sachdev, *Climate Change: The Biggest Threat to Modern Human Civilization*, 2022 <<https://www.researchgate.net/publication/362123824>> accessed 16 May 2026.

⁵⁵ Michael Manja Williams, *et al*, 'Roadside Reflection of Nigeria's Declining Vultures: A Study across Five Contiguous States (Plateau, Kaduna, Nasarawa, Benue, and Enugu)' (2024)1 (4) *European Journal of Ecology Biology and Agriculture* 15-22

⁵⁶ A. K. Mgbolu, 'The Legal Protection, Implications of Deforestation, Desertification and Endangered Species in Our Ecosystem' (2009)8 *Igbinedion University Law Journal* 45

⁵⁷ Alaina Pfenning-Butterworth, *et al*, 'Interconnecting Global Threats: Climate Change, Biodiversity Loss and Infectious Diseases' (2024)8 (4) *The Lancet Planetary Health* 273.

⁵⁸ A. K. Mgbolu (n 56).

⁵⁹ See UN Climate Change-President Obama: *Climate Change Greatest Threat to Future Generations*, 21 January 2015 <<https://unfccc.int/news/president-obama-climate-change-greatest>> accessed 16 May 2026..

emissions of about 30 or 40 years ago, and that the impact of the present emission is yet to be felt.⁶⁰The World Health Organization projects that between 2030 and 2050, approximately 250,000 additional deaths will occur annually due to climate change.⁶¹This is enough conviction that much danger awaits ahead especially for the incoming generations. In fact, Syropoulos and Markowitz stated that;

What we have witnessed thus far is only a prelude to what lies ahead in the face of continued inaction and foot-dragging. More frequent and more damaging impacts are highly likely in the decades to come. To put it a different way, future generations desperately need us to do something now in order to give them a chance when it's their turn.⁶²

This raises serious issues of justice and equity between the present and future generations. That is why the United Nations was emphatic on issues of sustainable development and intergenerational climate justice because every generation is entitled to enjoy the same earth as a gift of nature.⁶³Therefore, the current generation should not in the pursuit of its own welfare put the lives of future generations in jeopardy.⁶⁴Unfortunately, the actions of the current generations especially in safeguarding the environment for the benefits of future generations are not enough. In the case of *Neubauer v. Germany*,⁶⁵for instance, a group of environmental activists alleged that the government of Germany did not do enough to reduce the greenhouse gas emissions to the extent that would protect the climate and guarantee the rights of future generations. This is because the Federal Climate Change Act of 2019 in Germany stipulated that the greenhouse gas emissions be reduced by 55% by 2030 compared to the 1990 level without any further information about reduction plans after 2030. It means that anything in respect of emissions after 2030 is the concern of the present youths and future generations which is unfair and inconsistent with the intergenerational justice. They argued that the Legislature should revisit the provisions not only to increase the percentage but also to incorporate reductions beyond 2030.

In 2021, the German Constitutional Court delivered judgment in their favour and declared that the Climate Change Act was partially unconstitutional by limiting the emission reduction duties to 2030. The court added that the Act violated the fundamental rights of the youths and future

⁶⁰ Stanley Okorie (n 51)

⁶¹ See *World Health Organization, Climate Change*, 12 October 2023 <<https://www.who.int/news-room/fact-sheets/detail>> accessed 16 May 2026.

⁶² Stylianos Syropoulos & Ezra Markowitz, *How Taking Responsibility for Future Generations Can Spur Action on Climate Change*, 28 August 2021 <<https://www.weforum.org/stories/2021/08/responsibility>> accessed 16 May 2026.

⁶³ United Nations *Global Climate and SDG Synergy conference report - Strengthening Synergies between the Paris Agreement on Climate Change and the 2030 Agenda for Sustainable Development*. (United Nations, 2023) <<https://www.un.org/en/climate-sdgs-conference-2023>> accessed 16 May 2026.

⁶⁴ Ibid. See also Sanklecha, Pranay, 'Should there Be Future People? A Fundamental Question for Climate Change and Intergenerational Justice (2017)8 (3) *Wiley Interdisciplinary Reviews: Climate Change* 453.

⁶⁵ 1 BvR 2656/18, 1 BvR 78/20, 1 BvR 96/20, and 1 BvR 288/20

generations because Article 20a of the German Basic Law made it obligatory on the government to safeguard the rights and livelihoods of both the present and future generations.⁶⁶ The court ordered the Legislature to swiftly review the Law in the following year 2022 to increase its ambition and strengthen future mitigation pathways.⁶⁷ In compliance with this decision, the government of Germany promptly amended the Climate Change Act and increased the percentage of gas emission reduction to 65 by 2030, 88% by 2040 and climate neutrality by 2045.⁶⁸

Similarly, Netherlands is one of the leading countries of the world spearheading the greenhouse gas emission reductions and has succeeded in codifying most of the global treaties on the emission reductions into its domestic laws. It is a signatory to the Kyoto Protocol and other international climate treaties such as the United Nations Framework Convention on Climate Change (UNFCCC) Paris Agreement. There is a general perception that international climate obligations by many countries do not transform into practical realities.⁶⁹ There is always a gap between climate pledges and binding domestic actions as enunciated in the case of *Netherlands v. Urgenda Foundation*.⁷⁰ The case established a historic precedent where a government was compelled by the national courts to meet its emission reduction targets. In this case, the plaintiffs, Urgenda Foundation which is an environmental group and 900 Dutch citizens instituted action against the Dutch government in 2013 demanding a 25% reduction of greenhouse gas emissions by 2020 or 40% by 2030 compared to the 1990 levels. The activists asserted that the Dutch government has been showing favour to the fossil fuel industries rather than strict enforcement of the relevant laws to combat climate change despite whose ox is gored. It was discovered that the government had earlier planned to have 30% reduction by 2020 but later changed it to 14-17% reduction.⁷¹

The activists argued that the country's target of 20% reduction was not only insufficient but also a violation of the country's duty to protect its citizens from the dangers of climate change. In

⁶⁶ Article 20a of the 1949 Constitution of Germany (rev. 2014) provides that: "Mindful also of its responsibility toward future generations, the state shall protect the natural foundations of life and animals by legislation and, in accordance with law and justice, by executive and judicial action, all within the framework of the constitutional order".

⁶⁷ Caroline Douhaire, 'The Climate Decision of the German Constitutional Court and Its Implications on Soil Management' (2022) *International Yearbook of Soil Law and Policy* 35

⁶⁸ Louis Jacobus Kotzé, 'Neubauer *et al* versus Germany: Planetary Climate Litigation for the Anthropocene?' (2021)22 (8) *German Law Journal* 1423-1444.

⁶⁹ Maiko Meguro, 'State of the Netherlands v. Urgenda Foundation' (2020)114 (4) *American Journal of International Law* 729-735.

⁷⁰ C/09/456689 / HA ZA 13-1396.

⁷¹ E Stein & AG Castermans, 'Case Comment—Urgenda v. the State of the Netherlands: The "Reflex Effect"—Climate Change, Human Rights, and the Expanding Definitions of the Duty of Care' (2017)13 (2) *McGill Journal of Sustainable Development Law* 303-324.

2015, the District Court ruled in favour of the plaintiffs and declared that the government must achieve 25% reduction in carbon dioxide emissions from 1990 levels by 2020. The Court added that it is obligatory on the Dutch government to take all necessary actions under the European Convention on Human Rights (ECHR) to protect the plaintiff's rights by combating the menace of climate change. The Supreme Court upheld the District court decision and restated that the country was bound by their laws⁷² to reduce the nation's contribution to climate change. In its 2019 judgment, the Dutch Supreme Court specifically referred to the relevant provisions of the European Convention on Human Rights and ordered the Dutch government to accelerate its climate policies. The government complied with the ruling and codified stricter long-term targets, including a 55% reduction by 2030 and climate neutrality by 2050. The major lesson from this case was that without legal actions to compel the governments to act, it is very difficult for them to voluntarily translate international climate obligations into immediate domestic actions.⁷³

4. Modern trends for future generations

Today, there is a growing wave of youth-led litigations all over the world driven by the inactions in guaranteeing the rights of future generations. Many courts have done justice to the litigations despite whose ox is gored. The major overarching goal is to reduce reckless and selfish exploitation of natural resources and to secure a habitable planet for both present and future generations. The courts have often held the governments and the polluters accountable and with utmost reverence to the rights of those yet unborn. Majority of the suits are climate related with over 3,000 recorded in the year 2025 alone.⁷⁴ Courts have held in these cases that it is the responsibility of the governments to control human activities that cause climate change through law enforcements. Some restated that the rights to quality environment guaranteed by the national constitutions also extend to countless generations yet unborn. Outside the constitutional provisions, some of the decisions reference the need to invoke the provisions of other legal frameworks such as the Climate Change Act, where applicable, and the relevant treaties and protocols to address the challenges posed by the climate change.

In the case of *Minors Oposa v. Secretary of the Department of Environment and Natural Resources* (DENR),⁷⁵ for instance, the Supreme Court of Philippine held that the children led by

⁷² The Dutch Climate Act which was updated in 2023 which aligned with the European Union climate mandates requires the country to have 55% emission reduction by 2030 compared to the 1990 levels.

⁷³ André Nollkaemper & Laura Burgers, 'The State of the Netherlands v. Urgenda (2020)' 59 (5) *International Legal Materials* 1-38.

⁷⁴ Ole W. Pederson & Katalin Sulvok, 'Future Generations Litigation and Transformative Changes in Environmental Governance' (2024) 13 (3) *Transnational Environmental Law* 1-11.

⁷⁵ (194) 33 I.L.M. 173, hereinafter referred to as *Minors Oposa v. Factoran*.

Antonio Oposa had the standing to institute actions on behalf of themselves and future generations. It was the first case where the Supreme Court interpreted the right to a balanced and healthful ecology guaranteed by the 1987 Constitution of Philippine.⁷⁶ The plaintiffs in were minors represented by their parents and a Non-Governmental Organization (Philippine Ecological Network) who sought to stop the over depletion of the forests in the country which they argued was an infringement of their rights and the countless generations unborn. They submitted that the defendant should cancel all Timber License Agreements (TLAs) and stop granting further applications. The defendant, Fulgencio Factorian, was then the Secretary of the Department of the Environment and Natural Resources. He filed a motion to dismiss the case on the ground that the minors had no *locus standi* to institute the action because TLAs was a government policy of which only the Congress has the power to enact law for its prohibition. After all, impairment of contracts is prohibited by the same Constitution,⁷⁷ argued by the defendant.

The case was dismissed by the first court of instance which aligned with Factorian that no specific legal rights of the plaintiffs were interfered with. The court added that granting the reliefs to the minors would amount to contract impairments against the Constitution.⁷⁸ The children appealed to the Supreme Court which allowed the appeal and held that they had the standing to sue on behalf of themselves and the succeeding generations. It became a landmark case referred to as “Oposa Doctrine” setting the global precedent that children can hold the government accountable for natural resources mismanagement based on the concept of intergenerational responsibility. The decision also recognized expressly that future generations have the standing to sue through the present generations where the former’s opportunity to use resources are being compromised by the current generations. The following cases also fall in this category;

I. The case of *Rikki Held et al v State of Montana*⁷⁹

In this case, an action was instituted by Our Children’s Trust on behalf of 16 youths (between 2-18 years) who were resident in Montana against the state of Montana for failure in its duty to protect the rights of the youths and the future generations to a quality environment as guaranteed by the Constitution of Montana. Precisely, Article II, section 3 of the 1972 Constitution of Montana provides for the right to a clean and healthful environment as inalienable right of all

⁷⁶ Article II, (Bill of Rights) Section 16 provides that, ‘the state shall protect and advance the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature.’

⁷⁷ Article III, section 10 of the same Constitution prohibits any law that substantially impairs any contractual obligation by stating in clear terms that “No law impairing the obligation of contracts shall be passed”.

⁷⁸ See Ted Allen, ‘The Philippine Children’s Case: Recognizing Legal Standing for Future Generations’ (1993-1994)6 (713) *The Georgetown International Environmental Law Review* 714.

⁷⁹ Cause No. CDV-2020-307 (Mont. 1st Jud. Dist. Ct. Aug. 14, 2023).

persons. The same Constitution also made it obligatory on the state and individuals to maintain and safeguard the environment for the benefit of both the present and future generations.⁸⁰ In contrast, the Montana Environmental Policy Act (MEPA) prohibits the state officials from considering greenhouse gas emissions and climate impacts while issuing permits in respect of fossil fuels which the youths felt was inconsistent with the constitutional provisions on environmental right. The prohibition was included in the Act by the Montana Legislature during the 2023 amendment to MEPA (known as 2023 MEPA GHG Limitation).⁸¹ The provision showed the government's bias in favour of the oil industry at the expense of the rights of the activists.

The youths did not seek compensation but a mere declaration that their rights to quality environment under the Montana Constitution was under threat and consequently, for the state to adopt a strategy that would ensure the reduction of greenhouse gas emissions as against the prohibition under MEPA. The Court of first instance ruled in favour of the youths and declared that the 2023 prohibition under MEPA was not only a violation of the constitutional rights of the youths but also inconsistent with the fundamental rights to a clean and healthful environment which by extension includes climate. The judge while invalidating the limitation stated unequivocally that it violated the constitutional provisions on the right to a clean and healthful environment for present and future generations.⁸² The ruling was upheld by the Montana Supreme Court on December 18, 2024. Referring to the Constitution, the Court reiterated that 'the right to a clean and healthful environment is intended to protect Montana's children and future generations.'

II. Future Generations v Ministry of Environment.⁸³

In this case, a group of 25 children in Columbia (ranging from the age of 7 to 25), with the aid of Human rights organization, Dejusticia, brought action on behalf of themselves and the future generations against the government of Columbia for the rapid deforestation of the Amazon basin which they claimed was a threat to their constitutional rights to life, health, food, water, and a healthy environment. Article 11 of the 1991 Constitution of Columbia guarantees rights to life of the citizens while Article 79 provides for the right to a quality environment. Article 80, on the other hand, made obligatory on the government to manage and utilize the natural resources in a manner that prevents environmental degradation and ensures sustainable development. This is in addition to the country's net-zero goal outlined in the National Development Plan following the

⁸⁰ Article IX, Section 1

⁸¹ Lara Andenoro, 'State Adoption of a Constitutional Right to a Clean and Healthy Environment: *Held v. Montana* as a Success for Climate Litigation' (2025)36 (2) *Colorado Environmental Law Journal* 403.

⁸² Ibid.

⁸³ Sentence STC4360-2018.

Paris Agreement.⁸⁴ They argued that without a quality environment, they cannot survive not to talk of future generations. Even the possible of the state's existence is slim.⁸⁵ The issue before the court was whether the deforestation amounted to violation of the rights of the plaintiffs to life and the environment, including food and water as claimed. The Supreme Court of Columbia delivered the judgment in favour of the children and reemphasized the interrelationships between forests, quality environment and rights to life. The court declared that the deforestation contributes to climate change and so a threat to the rights of both present and future generations to life, water, food and healthy environment. It added that the Amazon forest is an entity subject to its own independent rights and so entitled to be protected and conserved.⁸⁶

Environmental Trust Funds For Future Generations

For the purpose of protecting the interests of future generations, many states and national governments all over the world have established trust funds, known as Conservation Trust Funds, to provide financial security for long-term funding for biodiversity conservation and sustainable development. It is a financial mechanism to safeguard natural resources for future generations by protecting them from over exploitation by the present generations. It operates on the idea that governments are the trustees of the environment and so bound to preserve it at all costs for the benefits of the public and future generations.⁸⁷ It involves pooling resources from governments, individual donors, Non-Governmental Organizations, World Bank, among others, to ensure sustained funding for forest conservation, including the protection of the air, water, land and wild life for the benefit of future generations.⁸⁸ In the United States, for instance, Minnesota has its Environment and Natural Resources Trust Fund (ENRTF) which receives about \$80m annually from the State's lottery proceeds to safeguard the state's environment and natural resources.⁸⁹ Since its inception, the ENRTF has invested over \$1 billion into research on

⁸⁴ Yaffa Epstein & Hugo Echeverria, 'Deforestation in the Colombian Amazon: Connecting the Environmental Rights of Future Generations and the Rights of Nature' (2024) *Les grands arrêts inspirants du droit de l'environnement*, <<https://www.researchgate.net/publication/380638272>> accessed 19 May 2026.

⁸⁵ K Bosselmann, 'Global environmental constitutionalism: Mapping the Terrain' (2015) 21 *Widener Law Review* 182.

⁸⁶ Katharina Neumann, 'From the Streets to the Courtroom: The Potential of an Intergenerational Justice Doctrine as a Key for Successful Judiciary Climate Activism' (2022) XI *The Oxford University Undergraduate Law Journal* 29.

⁸⁷ RJ Lazarus, 'Changing Conceptions of Property and Sovereignty in Natural Resources: Questioning the Public Trust Doctrine' (1986) 71 *Iowa Law Review* 631.

⁸⁸ Pikria Doinjashvili, et al, 'Sustaining Protected Areas through Conservation Trust Funds: A Review' (2020) 28 (4) *International Journal of Sustainable Development & World Ecology* 1-10.

⁸⁹ Trevor Russell, *Protecting the Environment and Natural Resources Trust Fund, Friends of the Mississippi River* <<https://fmr.org/updates/primer-enrtf>> accessed 19 May 2026.

conservation and other environmental issues in the state.⁹⁰ Paraguay has Tropical Forest Conservation Fund.

Sierra Leone has the National Environment Fund while Romania has the Fund for the Environment, among others.⁹¹

Environmental Trust Fund is a powerful instrument which ensures that the present wealth is painstakingly managed and distributed. It enhances intergenerational equity and justice because the future of environment is determined by today's decisions and actions. It can prevent the present generations from reckless financial decisions that may affect unborn generations. It is important to save for the future instead of living from hand to mouth like men without second thoughts thereby compromising the chances of future generations to satisfy their own needs. By Tremmel, intergenerational justice requires that natural resources are distributed among generations so that each generation leaves behind at least half of the accessible resources currently available to incoming generations.⁹² It involves indirect reciprocity when we bequeath to future generations what was received from the predecessors.⁹³

In the case of *Goa Foundation v. Union of India & ors*,⁹⁴ it was the Supreme Court of India that gave directive that India should create a de facto trust fund for future generations to address the abysmal environmental harm resulting from the iron ore in Goa. The court directed the mining companies to not only to pay compensation to the people of Goa but also to create *Goan Iron Ore Permanent Fund* so that 10% of all the sales from the Goan iron ore be deposited into the fund for the promotion of intergenerational equity and sustainable development in Goa.

5. The Rights of Future Generations in Nigeria

Nigeria is one of the countries of the world that have taken good steps towards safeguarding the environment and the people, including future generations, from the adverse effects of environmental damage. Nigeria is a signatory to several international treaties, protocols and conventions for the control of greenhouse gas emissions such as the Kyoto protocol of 1997 and the Copenhagen summit of 2009. It has as well adopted other international instruments for sustainable development such as the Rio declaration of 1992 and the United Nations Sustainable

⁹⁰ Matt Doll, *Minnesotans to Vote in 2024 on Environment's Share of Lottery Dollars*, July 1, 2023, <<https://www.mepartnership.org/minnesotans-to-vote-in-2024>> accessed 19 May 2026.

⁹¹ Bulgaria has Bulgarian Forest National Fund. See Barry G. Babe & Rachel L. Hampton, 'Trusting in the Future: The Re-Emergence of State Trust Funds in the Shale Era' (2016) 20 *Energy Research & Social Science* 119.

⁹² Joerg Chet Tremmel, *A Theory of Intergenerational Justice* (1st edn, Routledge 2007) 218.

⁹³ Meguro M, 'Litigating Climate Change through International Law: Obligations Strategy and Rights Strategy' (2020) 33 *Leiden Journal of International Law* 933. See also Katharina Neumann, 'From the Streets to the Courtroom: The Potential of an Intergenerational Justice Doctrine as a Key for Successful Judiciary Climate Activism' (2022) XI *The Oxford University Undergraduate Law Journal* 31.

⁹⁴ (2014) 6 SCC 590.

Development Goals. The country domesticated the African Charter on Human and Peoples' Rights in conformity with section 12 of the 1999 Constitution so it can be enforced as one of the municipal laws in the country. Outside the constitutional provision which imposes obligation on the government to protect and improve the environment, water, air, land, forest and wildlife of Nigeria,⁹⁵ the country has also enacted numerous laws geared towards environmental protection for the good of the present and future generations.

The laws include the NOSDRA Act of 2006, NESREA Act of 2007, Climate Change Act of 2021, Petroleum Industry Act of 2021 and the Forestry Laws of the states. For the purpose of achieving sustainable development and intergenerational equity, the country launched its first National Policy on the Environment and Sustainable Development in 1989. The Policy provided the guidelines for the management of the natural resources in Nigeria in line with the global trends of sustainable development goals.⁹⁶ The country also created the Ecological Fund in 1981 to help pool resources together and address some life threatening environmental challenges such as deforestation, desertification, oil spills, climate change, droughts and severe floods.⁹⁷ Hundreds of billions of naira have been deposited from the Federation Account into the funds to support environmental sustainability for the present and future generations.⁹⁸

However, despite all these laws, the climate change pledges and the adoption of international instruments for environmental protection, Nigeria is nevertheless confronted with series of unsustainable environmental practices such as depletion of forests in a large scale, biodiversity loss, frequent pipeline vandalism, persistent gas flaring, overgrazing, oil spillage, improper waste management, depletion of fishes and aquatic resources, degradation of agricultural lands, bush burning and species extinction.⁹⁹ These pose unimaginable consequences on the lives of the people and sustainable development agenda. According to Bassey;

Nigeria has lost over 90% of its original forest cover due to logging and agriculture. In the Northern region, encroaching desertification destroys farmlands. Decades of oil spills and gas flaring in the Niger Delta have devastated local ecosystems, compromised drinking water, and destroyed farming and fishing livelihoods. Extreme weather, including intense rainfall and dam failures, leads to widespread flooding.¹⁰⁰

⁹⁵ Section 20

⁹⁶ Ubleble Benjamin Akamabe & Gbenemene Kpae, 'A Critique on Nigeria National Policy on Environment: Reasons for Policy Review' (2017)3 (3) *IIARD International Journal of Geography and Environmental Management* 22.

⁹⁷ Bamidele Olajide & Victor Ojakorotiu, *Intergovernmental Relations, Climate Finance and Politics of Ecological Funds in Nigeria*, March 2019 <<https://www.researchgate.net/publication/332396775>> accessed 19 May 2026.

⁹⁸ Damilola Aina, 'States, Local Governments Share N94.6b Ecological Funds' (2005) *The Punch*, 20 October 2025, 67.

⁹⁹ Halimat Tope Akaje, 'Challenges to the Application of International Environmental Law in Nigerian Courts' (2025) *Nnamdi Azikiwe University Journal of Commercial and Property Law* 135.

¹⁰⁰ Inyang Bassey, 'Environmental Degradation and Sustainable Development in Nigeria: A Study of the South-South Region of Nigeria' (2019)6 (8) *International Journal of Humanities Social Sciences and Education* 35.

In fact, air pollution from automobile emissions, gas flaring, fossil fuel generators, telecommunication masts and open defecation results in over 114,000 premature deaths annually across Nigeria and the most environmental health threats in the country.¹⁰¹ Another main environmental hazard that concerns the present and future generations is the over exploitation and exhaustion of natural resources. Some scholars expressed regret and concern over “ecological irresponsibility and greed typical of the present generation” who exploit resources without regard to whether the incoming generations would be left with any means of sustenance.¹⁰² Smith attributed these problems mainly to over reliance on extractive industries by the Nigerian government for revenue which results in lack of willingness to enforce the relevant laws and treaties.¹⁰³

Corruption and embezzlement of public funds meant for environmental protection and sustainable development goals are other environmental impediments in Nigeria. Till date, the impact of the Ecological Funds created in 1981 for sustainable development is yet to be felt after over four decades. The Punch Newspaper revealed that the impact of the billions of naira meant for ecological intervention is never felt. It reported that N94.62bn ecological fund was shared between January and September 2025 alone by the 36 states and 774 local governments in Nigeria, yet 238 Nigerians lost their lives to devastating floods that ravaged communities across the country within the same period.¹⁰⁴ Aina reported that:

Despite hundreds of billions of naira being disbursed to states and local governments—such as the N94.62 billion shared between January and September 2025... vulnerable communities remain heavily impacted by seasonal flooding. The tragic deaths, recorded in several states despite the release of billions meant for ecological interventions to limit the risk of flooding situations, underscore growing concerns over how effectively the fund, designed to mitigate environmental disasters, is being deployed.¹⁰⁵

International pledges and obligations hardly transform into domestic realities and commitments in Nigeria. That is why Stewart re-echoed that it is not a matter of multiplicity of laws that the environment is protected but a matter of strict enforcement mechanisms and commitments.¹⁰⁶ Even the impact of the judiciary in matters affecting future generations in Nigeria is hardly felt. We have seen in this study the numerous interventions by the judiciary on

¹⁰¹ Ijeoma Nwanosike, ‘Experts Decry Health Hazards of Urban Air Pollution’ (2026) *The Guardian*, 8 January 2026, 25. See also Jacob Sonibare, ‘Air pollution Implications of Nigeria’s Present Strategy on Improved Electricity Generation’ (2010)38 (10) *Energy Policy* 5782.

¹⁰² Timothy A. Okpe & Samuel A. Bassey, ‘Environmental Problems and the Question of Intergenerational Justice from the Kantian Perspective’ (2018)1 (3) *Budapest International Research and Critics Institute Journal* 374

¹⁰³ I. O. Smith, ‘Sustainable Development and Environmental Diplomacy: Reconciling Economic Growth with Environmental Protection by the Year 2000 and Beyond (1998) *Environmental Law and Policy* 244.

¹⁰⁴ Damilola Aina, (n 98).

¹⁰⁵ Ibid.

¹⁰⁶ N. F. Stewart, ‘A Proposal of Reforms for Effective Environmental Management in Nigeria’ (2016)1/1 *Ajayi Crowder University Law Journal* 7.

issues involving safeguarding the environment for future generations in other jurisdictions of the world. Many environmental pollution cases were most often lost in Nigeria against extractive industries based on technicalities and other frivolous reasons.¹⁰⁷ The cases of *Akpan v. Shell*,¹⁰⁸ *Okpabi v. Shell*¹⁰⁹ and *Oguru v. Shell*¹¹⁰ remain few examples of Nigerian cases where victims of massive oil pollution from multinational companies took their cases across borders for fear of injustice in Nigeria and they all succeeded in their respective litigations in foreign lands and claimed adequate compensations as required by law. It is a different ball game with other cases determined in Nigeria. The case of *Jonah Gbemre v. Shell*,¹¹¹ for instance, was instituted in Nigeria due to gas flaring and the consequent damage suffered by the plaintiffs. The judgment was delivered in Benin City, Edo State, Nigeria, in favour of the plaintiffs in 2005 but has not been enforced till date (after two decades).¹¹² The judge was soon after the judgment transferred to Katsina State, Nigeria. That is why many Nigerians believe that climate pledges or ratification of international treaties on climate change and sustainable development does not transform to domestic practical realities.¹¹³ The country is only highly committed on paper, not reality.

6. Conclusion and Recommendations

The paper has demonstrated formidable attempt to evaluate the concept of intergenerational equity, sustainable development vis-à-vis the rights of future generations in Nigeria. The authors highlighted the key ingredients of intergenerational equity and sustainable development and their practical application to Nigeria. Other key points examined included the impact of climate change on the rights of future generations, including some youths-led litigation, both for themselves and future generations. The paper also explored the impact of Nigeria's participation in international environmental treaties on the sustainable development goals in Nigeria. No doubt, Nigeria has ratified a lot of international treaties, enacted several domestic laws in addition to several policies to satisfy its international environmental obligations. Unfortunately, they did not transform into realities due to corruption and undue reliance on extractive industries for revenue. When a state fails in its obligation to maintain the environment, it is saddled with a devastating

¹⁰⁷ Kristian Skagen Ekeli, 'Green Constitutionalism: The Constitutional Protection of Future Generations' (2007)20 (3) *Ratio Juris* 397.

¹⁰⁸ Case No. C/09/337050/HA ZA 09-1580.

¹⁰⁹ (2021) UKSC 3

¹¹⁰ ECLI:NL:GHDHA:2021:1825

¹¹¹ Suit No. FHC/B/CS/53/05, (2005) AHRLR 151)

¹¹² Bukola Faturoti, *et al*, 'Environmental Protection in the Nigerian Oil and Gas Industry and *Jonah Gbemre v. Shell PDC Nigeria Limited*: Let the Plunder Continue?' (2019) 27 (2) *African Journal of International and Comparative Law* 227

¹¹³ Gabriel Obahor & Godwin Asibor, 'Evaluation of International Environmental Laws Ratified by Nigeria and Implications for National Development' (2025)3 (1) *International Journal of Sub-Saharan African Research* 573

consequence as seen in this paper. Many avoidable premature deaths result from environmental degradation annually in Nigeria. It is unfortunate.

It is unimaginable that a generation that does not care for itself can cater for the succeeding generations. One cannot place something on nothing and expects it to stand. Today's sustainable foundation is a precondition for incoming generations to find a place to thrive.¹¹⁴ That is why it is important to redistribute natural resources significantly between the present and incoming generations. The current rate of consumption and borrowing should be controlled by conserving some percentage of funds and resources for future availability. The heat generated by the youth-led litigations for sustainable use of natural resources is enough to spur the government of Nigeria into action regarding environmental sustainability. The government should not be preoccupied with election cycles with billions of dollars spent to retain election mandates. The government should rather invest to safeguard the environment and our future. The Ecology Fund should be channeled to the appropriate purpose for which it was created. We cannot afford to be confronted by the youth-led litigations as done in other jurisdictions of the world. This is a period for sober reflections and change of attitudes towards the environment and sustainable future in Nigeria.

¹¹⁴ Thomas Randall, 'Care Ethics and Obligations to Future Generations' (2019)34 (4) *Journal of Feminist Philosophy* <<https://www.researchgate.net/publication>> accessed 20 May 2026.