

Strengthening Environmental Justice through Anti-Corruption Governance in Africa: An insight from Nigeria and Uganda

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Abstract

This study evaluates the relationship between anti-corruption regulation and environmental justice in Africa, and argues that fragmentation among legal and institutional frameworks has greatly diminished the ability of African states to stop environmentally destructive practices caused by corruption. This study also develops the central argument that effective environmental justice can only occur when it is supported by strong, cohesive anti-corruption laws. The study uses a comparative legal and doctrinal methodology to examine how international anti-corruption instruments and regional African legal frameworks interact with national systems of regulation regarding environmental protection and natural resource management. Focusing on Nigeria and Uganda, this study identifies how poor enforcement of existing regulations, regulatory capture, lack of transparency in the issuance of licenses, and limited access to the courts contribute to both environmental degradation and unequal distribution of wealth and benefits. Additionally, this study examines the normative overlap between anti-corruption laws and environmental justice principles such as accountability, transparency, participatory and equitable sharing of benefits. Finally, the paper presents a framework for a unified legal regime that coordinates anti-corruption mechanisms within environmental governance by establishing harmonised legislation, enhancing interagency cooperation, expanding public participation and developing rights-based mechanisms of enforcement. In its efforts to recognise anti-corruption regulation as one of the primary pillars of sustainable environmental justice development, this research will inform current debates on governance reform in Africa and provide actionable recommendations for connecting legal accountability to ecological sustainability and social equity.

Keywords: Environmental Justice, Anti-Corruption, Governance Africa, Nigeria, Uganda

1. Introduction

Corruption is an obstacle to achieving sustainable environmental governance in Africa and undermines the ability of governments to enforce regulations, causes corruption to distort government decision-making processes and creates environmental injustices throughout Africa's resource rich and ecologically sensitive regions.¹ Africa is rich in natural resources, particularly oil, minerals, timber, and biodiversity, which, in theory, could facilitate positive and sustainable socio-economic transformations. However, the paradox here is that, as positive transformations have been impeded in many parts of Africa, socio-economic inequities have been exacerbated and environmental degradation has been deepened.² This phenomenon is referred to as the resource curse. In states dominated by extractive industries, rampant corruption turns resource-poverty into resource-plenty, often at the expense of the environment and the most vulnerable.³ An example is the Niger Delta in Nigeria, where decades of oil spills, exacerbated by illegal bunkering, poor enforcement of regulations, and corporate complicity, have contaminated water bodies, lost farmland, and abandoned livelihoods.⁴ Many cleanup efforts are shadowed by corruption. In Uganda, rampant illegal logging and corrupt land allocation have resulted in the loss of hundreds of thousands of hectares of forests due to illegal logging, and the loss of biodiversity and increased climatic vulnerability.⁵

The examples above demonstrate a larger pattern of behavior throughout much of the continent; corruption not only enables the exploitation of natural resources that contribute to environmental damage but contributes to an ongoing legacy of environmental injustice, defined as the disparate burden of environmental risk and benefit combined with the lack of inclusion or opportunity for populations to participate in decision making processes and seek recourse when harmed by actions contributing to environmental injustice. The concept of environmental justice as a normative framework requires accountability, transparency, public participation, and an equitable distribution of resource benefits to be realised.⁶ In many African nations, however, the principles of environmental justice are thwarted by dysfunctional governance systems and the use of corrupt practices such as regulatory capture, opaque licensing procedures, and bribery to undermine the

¹ Eghosa O Ekhatior, Serval Miller, Etinosa Igbinosa (eds) *Implementing the Sustainable Development Goals in Nigeria: Barriers, Prospects and Strategies* (Routledge 2021) 5

² Godswill A Agbaitoro and Eghosa O Ekhatior, 'Just Energy Transition in Africa: Towards Social Inclusion and Environmental Rights-Based Imperatives' (2025) 10 *Business and Human Rights Journal* 34,55.

³ Ivar Kolstad and Tina Søreide, 'Corruption in Natural Resource Management: Implications for Policy Makers' (2009) 34(4) *Resources Policy* 214,226.

⁴ Eghosa O Ekhatior, 'Regulating the Activities of Oil Multinationals in Nigeria: A Case for Self-Regulation?' (2016) 60 *Journal of African Law* 1,28.

⁵ Dastan Bamwesigye, Raymond Chipfakacha and Evans Yeboah, 'Forest and Land Rights at a Time of Deforestation and Climate Change: Land and Resource Use Crisis in Uganda' (2022) 11(11) *Land* 2092.

⁶ GO Antai, PA Aidonjio, DC Onyejebu and OO Obisesan, 'International Environmental Crimes: An Appraisal of the Impact of Enforcement Efforts and Policy Response on Illegal Wildlife Trafficking' (2025) 5(1) *African Journal of Sociology, Psychology and Rural Studies* 91.

enforcement of environmental protection standards.⁷ In spite of the existence of a number of comprehensive international and regional anti-corruption instruments including the United Nations Convention Against Corruption (UNCAC), the African Union Convention on Preventing and Combating Corruption, and environmental instruments such as the African Convention on the Conservation of Nature and Natural Resources, the implementation of these instruments remains piecemeal at best.⁸ Frequently national law does not integrate anti-corruption and environmental obligations into consistent legal frameworks, creating confusion and limiting opportunities for litigants to gain access to courts to seek redress from state actors for violations of environmental laws and regulations. This lack of coherence among legal and institutional frameworks reduces a nation's ability to reduce the impacts of environmentally destructive practices enabled by corruption, enabling large-scale economic interests to pursue short-term financial returns over longer term goals of sustainability and equity.

This research argues that the lack of cohesion between the multiple legal and institutional frameworks governing environmental protection and anti-corruption practices in Africa has significantly reduced the effectiveness of African governments in reducing environmentally destructive practices fueled by corruption. Furthermore, this research presents the overarching argument that the realisation of environmental justice in Africa can only occur through the creation of a coherent and integrated anti-corruption regime embedded within environmental governance institutions. Unless corruption is addressed as a systemic facilitator of environmental degradation, attempts to achieve sustainable management of natural resources and equitable social outcomes will continue to be insufficient.

To analyse how corruption undermines environmental protections in Africa, the article will use a comparative legal and doctrinal methodology, analysing the interactions of international anti-corruption law, regional African law, and national laws in Nigeria and Uganda, to demonstrate the similarities and patterns of problems that exist in each country such as weak enforcement, regulatory capture, lack of transparency in the oil and gas licensing process, and barriers to seeking redress through the courts, although Uganda is still earlier-stage than Nigeria. The choice of Nigeria and Uganda as case study areas for this study was a purposeful decision based on both methodological factors which would allow for a comparison of the legal doctrine and legal frameworks. All two states are representative of major issues found at the crossroads of corruption, the management of natural resources, and environmental injustices in Sub Saharan Africa. They also provide sufficient variation to demonstrate the differences between institutional responses and outcomes. The article also examines the overlap of the norms of environmental justice (participation and equal sharing of benefits) with anti-corruption norms (accountability and transparency).

⁷ Olalekan Moyosore Lalude, Daniel Oluwadayo Akindipe, Sophia Abiri-Franklin and Sharon Osho, 'Examining the Banjul Charter as An Instrument for the Realization of Environmental Justice in Trade And Investment Agreements' (2026) 17 Journal of Sustainable Development Law and Policy 580,599.

⁸ Coalition for Dialogue on Africa (CoDA), *Successes and Challenges of Implementing the Recommendations of the African Union High Level Panel on Illicit Financial Flows* (AU HLP-IFF Secretariat's Report, First Printing July 2025) <<https://codafrica.org/wp-content/uploads/2025/08/Successes-and-Challenges-of-Implementing-the-Recommendations-of-African-Union-High-Level-Panel-on-Illicit-Financial-Flows-Report.pdf>> accessed 6 January, 2026.

Using the data collected on the two states as an analytical basis, the article suggests a single legal framework that can be used to integrate anti-corruption elements into environmental protection law. The proposed framework includes legislative harmonisation, improved coordination between agencies, greater public participation, and the use of rights-based enforcement mechanisms. In doing so, the article positions anti-corruption regulation as a central element of sustainable environmental justice. Thus, the article is intended to contribute to current debates about governance reform in Africa by providing recommendations for linking accountability under the rule of law to ecological sustainability and social equity. The balance of the article proceeds as follows, in section two, it provides an analytical background for the concepts of environmental justice and anti-corruption in Africa. Section three outlines the methodology and case study selection. Sections four to six compares the states of Nigeria and Uganda. In section seven, it will outline the convergence of norms and propose the integrated framework. In section eight, it will synthesise key findings and policy implications.

2. Method

This research uses qualitative, comparative legal and doctrinal research methods to analyse how anti-corruption regulation connects with environmental justice in Africa. Using a Doctrinal Approach, we analysed primary legal materials including International Instruments (e.g. UNCAC) Regional Agreements (African Union Convention for Preventing and Combating Corruption; African Convention on the Conservation of Nature and Natural Resources); National environmental protection laws and resource management legislation in selected states. In addition, we examined treaties and conventions; statutes; case law; policy documents; and institutional practices, to identify the degree of coherence among these legal materials; the extent of implementation gaps; and normative overlaps, all without collecting empirical field data or using quantitative data. Normative analysis was used to identify convergences between anti-corruption norms (accountability; transparency; integrity; the rule of law) and environmental justice principles (equitable distribution of environmental costs and benefits; public participation; access to information; remedial mechanisms). The convergence analysis will demonstrate how corruption subverts environmental governance through regulatory capture and opaque licensing processes. Comparative case studies were conducted in Nigeria and Uganda, which are two resource-dependent states, with varying extractive activities (Nigeria's oil production and Uganda's developing oil and forestry sectors); Varying degrees of institutional maturity and enforcement capacities. These states were chosen to provide illustrative comparisons of recurring governance failures, specifically; weak enforcement and limited judicial access; rather than an exhaustive profile. Prescriptive recommendations from our analysis can be used to develop a framework that integrates anti-corruption mechanisms into environmental governance, to promote harmonised legislation, inter-agency coordination, public involvement, and rights-based enforcement, to promote sustainable environmental justice throughout Africa.

3. Analysis or Discussion

3.1. Environmental Justice and Anti-Corruption from the African Perspective

The theoretical model of this study provides the basis for the comparative legal analysis of two jurisdictions (Nigeria and Uganda) in the context of examining the relationship between anti-corruption regulation and environmental justice in Africa. The model integrates both concepts and demonstrates how corruption acts as an enabling mechanism for both environmental damage and inequality, especially in states characterised by the dominant role of extractive industry sectors in their economy. The model further supports the notion that achieving environmental justice is unattainable absent strong anti-corruption regulations, as corruption undermines the institutions required for sustainable and equitable governance. Environmental Justice is defined here as both a legal and normative construct that aims to reduce the environmental burden on marginalised communities through equal access to environmental benefits. Environmental Justice is based on the principles of equity and human rights and has four fundamental pillars: equitable distribution of environmental benefits and costs; meaningful public participation in decision making; right of access to information; and accountability of those responsible for duties owed to the public.⁹

In the African socio-political and legal contexts, these pillars are especially relevant given the historical legacy of colonial exploitation of natural resources, post-colonial resource mismanagement, and current vulnerabilities to climate change.¹⁰ For example, the principle of equitable distribution is important because it emphasises that the wealth created from extracting natural resources such as oil, minerals, and timber should accrue to local communities and not solely to foreign investors or elites. The principle of public participation emphasises that there must exist mechanisms for indigenous and rural communities to have an impact on environmental policy decisions. The right of access to information counteracts the lack of transparency regarding agreements related to resource extraction, whereas the principles of accountability and remedies provide a means of enforcing compliance with the law by those who cause pollution and corruption. In the context of Africa, environmental justice therefore extends beyond pure environmental protection, and converges with the broader struggle for social justice and sustainable development as outlined in the African Charter on Human and Peoples'

⁹ Olalekan Moyosore Lalude and Ayoyemi Lawal-Arowolo, 'A Portraiture of Environmental Justice in Communities of Concern: Protecting Africa While Achieving Sustainable Development' (2022) 13 *International Journal of Environmental Sustainability and Green Technologies* 1,15

¹⁰ Godswill Owoche Antai and others, 'Doctrine of Non-Interventionism Enshrined in the United Nations Framework: The Reality of Sovereign Integrity and Chapter VII in the 21st Century' (2025) 14(2) *Journal of African Union Studies* 49 (Adonis & Abbey Publishers Ltd).

Rights, which incorporates environmental rights into collective dignity and self-determination.¹¹

Corruption is viewed not as mere individual actions, but as a systemic failure in governance. The governance failures are embedded in institutional and system-wide dynamics. In the governance of the environment and natural resources, it is evidenced in the form of regulatory capture, where powerful interest groups, such as multinational corporations and political elites, co-opt regulatory bodies to favour their own self-interest at the expense of the public good.¹² Similarly, opaque licensing regimes permit illegal activities, such as bribery or favouritism, and a lack of enforcement allows illegal activities to continue with little to no consequences. Additionally, political patronage exacerbates this by linking resource governance to clientelistic relationships; in many cases, environmental permits become tools for power consolidation instead of tools for the protection of ecosystems.¹³ Furthermore, institutional fragmentation creates additional problems as multiple, overlapping or poorly coordinated agencies create opportunities for corruption and reduce oversight capabilities, ultimately resulting in environmental degradation. Thus, the structural view of corruption is consistent with critical governance theories that identify corruption as a tool of maintaining inequality, particularly in resource-dependent African economies, where a weak rule of law and limited state capacity amplify vulnerability.¹⁴ The framework views corruption as a pathological condition of governance, and identifies it as a primary cause of environmental injustice, to wit; it transforms natural resources from being communally owned and managed, to being owned and controlled by elites who benefit financially, while creating ecological degradation.

This analytical framework identifies areas of overlap between the norms of environmental justice, and the norms of anti-corruption. It demonstrates how the nexus of these two types of norms results in different types of governance results in Africa. Environmental justice norms, including participation, equity, intergenerational justice, and fair distribution of environmental benefits, are similar to anti-corruption norms, including transparency, accountability, integrity, and the rule of law. For example, participation is related to transparency because it requires transparent processes for environmental decision-making to prevent corrupt

¹¹ African Charter on Human and Peoples' Rights, Article 24

¹² Jonathan Kishen Gamu and Niels Soendergaard, 'Governance Capture and Socio-Environmental Conflict: A Critical Political Economy of the Global Mining Industry's Prior Consultation Regime' (2023) 31 *Review of International Political Economy* 880,904.

¹³ Jacqueline M Klopp, 'Deforestation and Democratization: Patronage, Politics and Forests in Kenya' (2012) 6 *Journal of Eastern African Studies* 351, 351,70.

¹⁴ Deborah Isser, Gael Raballand, Michael Watts and Diane Zovighian, *Governance in Sub-Saharan Africa in the 21st Century: Four Trends and an Uncertain Outlook* (Policy Research Working Paper 10713, World Bank, March 2024)<https://documents1.worldbank.org/curated/en/099808303042442715/pdf/IDU143e8beba17307142d319f8b1504c365946ed.pdf>> accessed 9 January 2026

influence. Integrity is related to equity and fair distribution of environmental benefits, because corruption distorts the distribution of environmental benefits to favour the powerful, and thus continues cycles of poverty and environmental risk for marginalised groups. Similarly, intergenerational justice, which requires environmental stewards to make decisions based on sustainability for future generations, is compromised when corruption causes short-term economic gain to be favoured over long-term environmental stewardship.¹⁵ Accountability, as well as enforcement of the rule of law, are necessary to hold actors accountable for their corrupt acts, as well as for the environmental damage caused by those acts. Failures in anti-corruption regulations, such as failure to enforce disclosure requirements, failure to prosecute bribery, etc., directly compromise the achievement of environmental justice.¹⁶ The convergence of these two sets of norms indicates a mutually reinforcing relationship; anti-corruption measures can function as procedural protections for environmental justice, while environmental justice norms can function as substantive objectives that anti-corruption measures should achieve. Furthermore, the framework indicates that failures of anti-corruption will have a cascading impact; they will enable environmental harm through continued exploitation of resources and unequal distributions of environmental benefits. In doctrinal terms, this linkage argues against treating these issues separately in legal scholarship and advocates for an integrated approach to treat corruption as a precursor to environmental injustice, and therefore to justify reform of the governance structure to include anti-corruption mechanisms as part of the environmental governance regime.

The framework operates within the multi-layered legal orders of international, regional, and domestic spheres, and identifies conceptual linkages between them to demonstrate the presence of normative synergies, although it does not attempt to apply these linkages in a methodologically specific way. Internationally, instruments such as the United Nations Convention Against Corruption promote transparency and accountability as universal imperatives that correspond with environmental justice principles in instruments such as the Paris Agreement, where equitable burden sharing and participatory mechanisms aim to address global inequalities. Regionally, the governance norms of Africa are represented in instruments such as the African Union Convention on Preventing and Combating Corruption and the environmental provisions of the African Charter, which support integrity and collective rights, and frame corruption as a threat to pan-African development goals

¹⁵ Vincent Tawiah, Abdulrasheed Zakari and Rafael Alvarado, 'Effect of Corruption on Green Growth' (2024) 26 *Environmental Development and Sustainability* 10429,10459.

¹⁶ Jiakai Xiong, Zelin Yang, Lijuan Xiao and Yushu Zhu, 'Environmental Judicial Reform and Corporate Greenwashing: Evidence from China's Environmental Public Interest Litigation Pilot' (2025) 12 *Humanities and Social Sciences Communications* 1635.

such as those stated in Agenda 2063.¹⁷ Domestically, national regulatory frameworks in African states often represent these norms through constitutions, environmental laws, and anti-corruption statutes; however, their effectiveness is contingent upon resolving structural barriers such as judicial independence deficits.¹⁸ Conceptually, the multi-scale perspective of this framework emphasises the flexibility of the framework, and enables analysis of how global norms are translated into regional commitments and local implementations, as well as exposing areas where corruption undermines justice¹⁹. Due to its comparative nature, the framework is highly adaptable and is particularly applicable to comparative case study analyses of Nigeria and Uganda. The comparative nature of the framework enables an examination of recurring patterns in the two states' various extractive industries. For example, the framework provides a lens to examine the relationship between corrupt licensing and poor enforcement and environmental degradation in Nigeria's oil-rich Niger Delta region. Similarly, the framework provides a lens to examine the relationship between institutional fragmentation, opacity, accountability and remedy in Uganda's emerging oil industry. Through examining these patterns in the form of weak enforcement, community exclusion, environmental degradation, and unequal distribution of environmental benefits, the framework supports a comparative legal analysis that identifies country-specific expressions of the same governance failures, while identifying common governance failures. Doctrinally, the framework critiques the deficiencies in current regimes and advocates for reforms that combine anti-corruption and justice norms to develop resilient, equitable environmental governance structures in Africa. As such, this theoretical scaffolding serves not only to explain the systemic facilitators of harm but to guide prescriptive recommendations for subsequent sections.

3.2. Nigeria: Corruption, Oil Extraction, and Environmental Degradation

The case of corruption in the Nigerian oil industry and its impact on the management of environmental degradation is a curious case. Although Nigeria was among the earliest states to sign the United Nations Convention against Corruption (UNCAC) in 2003 and to proceed to its formal ratification in 2004,²⁰ corruption has continued to influence how its oil industry engages environmental degradation and

¹⁷ Antai GO and others, 'Doctrine of Non-Interventionism Enshrined in the United Nations Framework: The Reality of Sovereign Integrity and Chapter VII in the 21st Century' (2025) 14(2) *Journal of African Union Studies* 49

¹⁸ Chi Keung Lau, Shreya Pal, Mantu Kumar Mahalik and Giray Gozgor, 'The Role of Legal System Quality in Carbon Inequality: Mixed Evidence from Middle-Income Economies' (2025) 395 *Journal of Environmental Management* 127685.

¹⁹ Godswill Owoche Antai and others, 'Analyses of the Applicability of International Arbitration in Investor-State Dispute Settlement in East Africa' (2025) 10(1) *NIU Journal of Humanities* 249.

²⁰ United Nations Office on Drugs and Crime, *Nigeria's Implementation of the 2014 and 2019 United Nations Convention against Corruption Review Recommendations: First and Second Cycles* (UNODC 2020).

therefore entrenches environmental injustice. Unsurprisingly, the UNCAC is yet to be domesticated. Despite its lack of a domestic frame of reference, Nigeria's external obligation towards the UNCAC is assured. Nigeria is one of the clearest examples of how corruption can function as a systemic enabler of environmental degradation within resource-dependent states. Since the discovery of commercial oil in the late 1950s, petroleum extraction has been a major pillar of the Nigerian economy; it has simultaneously entrenched governance failures that have disproportionately harmed oil-producing communities.

Article 5(1) of the UNCAC furnishes State Parties with the obligation, within the framework of their own legal system, to formulate and adopt effective and integrated anti-corruption strategies that encourage public participation and, in the context of the rule of law, incorporate the principles of integrity, transparency, accountability, and sound management of public property, and democracy.²¹ This provision, when juxtaposed with Nigeria's oil-sector experiences, provides a distinctly evaluative context, where there is oil wealth, and there is persistent public abuse of the oil wealth, it is not a question of criminality; it shows the failure of the governing structures, the absence of a functioning coordinated anti-corruption structure in the management of public property, in context, oil, licenses, infrastructure, and remediation funds, with sufficient transparency and accountability. In that evaluative context, Nigeria's inaction in the oil sector corruption reveals a prolonged inconsistency between ideal and real. The oil sector is, in essence, public property, whilst the licensing, revenue collection and allocation, environmental regulation, and clean-up and compensation management are entirely within the scope of public authority. On the other hand, the African Charter on Human and Peoples' Rights (Banjul Charter) in Article 21 provides the right of peoples, which will include in this context, resource-rich communities, the right to freely dispose of their wealth and natural resources, which shall be exclusively in their interest.²² Furthermore, just as with other treaties mentioned, Nigeria has ratified the African Convention on the Conservation of Nature and Natural Resources (the Maputo Convention), but has not domesticated it. Perhaps this has influenced its lack of accountability towards Article XIV of the Maputo Convention, which provides that development activities should not impair environmental health.²³ Oil wealth has been engaged through weak institutions and entrenched patronage networks, therefore producing a pattern in which environmental harm is normalised and accountability is routinely deferred, despite that it has the international legal obligation under the Paris Agreement to promote environmental

²¹ United Nations Convention Against Corruption (General Assembly resolution 58/4 of 31 October 2003).

²² African Charter on Human and Peoples' Rights (Banjul Charter) OAU Doc. CAB/LEG/67/3 rev. 5, 21 I.L.M. 58 (1982).

²³ African Convention on the Conservation of Nature and Natural Resources (adopted 11 July 2003, entered into force 23 July 2016).

integrity, transparency, accuracy, completeness, comparability and consistency, under Article 4(13) of the Paris Agreement.²⁴ Furthermore, it has failed to accelerate economic growth in the resource rich state.²⁵

The core of the issue is the oil and gas regulatory framework. Nigeria has a range of environmental regulations and agencies, including environmental reviews and pollution control regulations, but there is a history of un-enforcement due to political reasons.²⁶ Section 16(1) of the Nigerian 1999 Constitution has provided that the State shall, in pursuit of the ideals and objectives enshrined in this Constitution, harness the nation's resources to promote national prosperity and to encourage an efficient, dynamic, and self-reliant economy.²⁷ In resource management and environmental impact, this has been a consistent ideal failing to materialise in environmental justice. Regulatory capture is a problem, given the lack of autonomy from oil revenues, both politically and commercially, for the oversight bodies.²⁸ This allows both foreign and Nigerian oil companies to avoid penalties for not internally regulating the environmental impacts of their operations, especially in the politically and economically remote areas of the Niger Delta. Corruption in this scenario is not coincidental, it is a lubricant for less inspections, and a weakened environmental law response. One agency whose responsibility is to protect the Nigerian environment is the National Environmental Standards and Regulations Enforcement Agency (NESREA) established by the National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, In Section 7 (a)-(m) of the NESREA Act, NESREA is to ensure compliance with applicable laws, guidelines, policies, and standards governing environmental matters and coordinate and liaise with relevant stakeholders, both within and outside Nigeria, on issues relating to environmental standards, regulation, and enforcement.²⁹

However, oil spills and gas flaring cases have consistently portrayed a failure of governance. Oil spills happen even though there are laws and court rulings supporting the entitlement of people to a clean and healthy environment.³⁰ The funds and resources for clean-up are insufficient and slow. The monitoring of the

²⁴ Paris Agreement (adopted 12 December 2015, entered into force 4 November 2016) UNTS vol 3156.

²⁵ Ibukun Ola, Carsten Drebenstedt, Robert M Burgess, Martin Mensah, Nils Hoth and Christoph Külls, 'Remediating Oil Contamination in the Niger Delta Region of Nigeria: Technical Options and Monitoring Strategies' (2024) 17 *The Extractive Industries and Society* 101405.

²⁶ Olusola Joshua Olujobi and Nathaniel Tolulope Ape, 'Reforming Legal Frameworks for Combating Gas Flaring in Nigeria: A Comparative Legal Analysis and Sustainable Solutions' (2025) 109 *Resources Policy* 105721.

²⁷ Constitution of the Federal Republic of Nigeria 1999 (as amended).

²⁸ Reuters, 'Nigeria Considers Giving Oil Contract Control to Regulator' (Reuters, 19 September 2025) <<https://www.reuters.com/business/energy/nigeria-considers-giving-oil-contract-control-regulator-2025-09-19/>>

accessed 18 January 2026.

²⁹ National Environmental Standards and Regulations Enforcement Agency (Establishment) Act 2007.

³⁰ Bolaji Ramos, 'Environmental Public Interest Litigation in Nigeria: The Paradigm Shift in COPW v NNPC (2019) 5 NWLR (Pt 1666) 518' (2020) 3 *Elizade University Journal*.

clean-up is poor. The systems for compensation are corrupt. There is poor community involvement in assessments and claims processes. For many years, there have been polluted waterways, and the people have been poor and vulnerable to the environment, due to poor agriculture and a poor economy. The failures are not due to the lack of laws. The failures are the lack of integrity in the enforcement of the laws.³¹ Environmental injustice is deepened further by even more corruption in the oil revenue.³² Capture of the resource wealth, redistributing to the oil-producing communities by the elites at the federal, state, and local governments has taken place. There is even more reliance on informal and illegal economic activities to loosen the growing problems in the communities, due to inadequate local resources and increased risks. Even artisanal refining and vandalism of oil pipelines, which are blamed and condemned as illegal activities, are symptoms of the growing problems.³³

The Nigerian case shows how strongly linked corruption is to environmental degradation. The political economy of the region, where accountability is absent and transparency is applied only in a selective manner, supports the spatial and technical regulation of environmental degradation. Thus, the regulation of corruption is not supplementary to the protection of the environment, but is essential to it. Absent visible and credible streams of public accountability and responsive and effective judicial instruments makes environmental laws nothing but aspirations. In this context, Nigeria demonstrates the case for the proposition that equity in the environment cannot be achieved when corruption is treated as a marginal issue. The ongoing degradation of the environment in the context of oil extraction demonstrates the systemic failing of governance, where the rule of law is compromised to serve the needs of rent-seeking. The environmental harm in Nigeria needs to be addressed from an integrated legal perspective, and anti-corruption concepts of accountability, transparency, and participation need to be integrated into and aligned with environmental governance.

Uganda: Early-Stage Extraction, Forest Loss, and Governance Risks

Unlike the extractive sector of Nigeria, which has developed over time, Uganda's extractive sector has emerged relatively quickly, experiencing chronic stresses in the management of forests and land. This is not to say that the timing of Uganda's emergence as a natural resource-based economy shields Uganda from the issue of

³¹ Eghosa Ekhator, 'Regulating the Activities of Oil Multinationals in Nigeria: A Case for Self-Regulation?' (2016) 60(1) *Journal of African Law* 1,28.

³² Eghosa O Ekhator, 'Corporate Social Responsibility and Chinese Oil Multinationals in the Oil and Gas Industry of Nigeria: An Appraisal' (2014) 28 *Cadernos de Estudos Africanos*.

³³ Eghosa O Ekhator and Godswill A Agbaitoro, 'Placing the Rule of Law and Environmental Justice in the Resource–Conflict Nexus in Nigeria' in Obasesam Okoi and Victoria R Nalule (eds), *Governing Natural Resources for Sustainable Peace in Africa: Environmental Justice and Conflict Resolution* (Routledge 2024) 145,168.

environmental injustices; rather, the timing of Uganda's emergence allows for a view into how pre-extraction, i.e., before extraction, failures in governance and corruption risk shape both the distribution of environmental impacts and institutional developments throughout the course of the development process. As such, Uganda provides an example of how environmental injustices can be structured at the earliest stages of the development process, including at the stage of license approval, at the stage of land allocation and at the stage of designing institutions, all prior to environmental pollution becoming entrenched. One area where these dynamics are most apparent is in Uganda's forestry sector. Although Uganda has statutes which provide a legal framework for the protection and conservation of forest reserves and protected areas, illegal logging and political mediation of land classifications have resulted in significant losses of forest cover, along with corresponding declines in biodiversity and increases in climate vulnerability. Uganda ratified the UNCAC on 9 September 2004. This makes Uganda a full State Party to the treaty, which entered into force globally in 2005 after reaching the required number of ratifications.³⁴ Since its ratification in 2004, Uganda has taken steps to implement the treaty, but has been met with defiant challenges, such as enforcement gaps, limited resources, and political will, and these have aided the persistence of corruption.

While regulatory shortcomings may help to explain some of the negative environmental impacts resulting from the loss of Uganda's forests, the loss of Uganda's forests also reflects the role of corruption as a governance failure, including corrupt discretionary allocations of land, lack of oversight of forest authorities, and lack of transparency regarding decision-making processes related to public lands. For instance, Article 5(1) of UNCAC provides that every state that is a party to the convention must, consistent with the basic principles of its own legal system, develop, implement, or maintain effective and coordinated anti-corruption policies. These policies should encourage public participation and be grounded in the rule of law, sound management of public affairs and public property, integrity, transparency, and accountability.³⁵ This also resonates with Article 2(3) of the African Union Convention on Preventing and Combating Corruption,³⁶ of which Uganda has also ratified in October 29, 2004.³⁷ However, Uganda has failed to fully implement Article 5(1) of the UNCAC and Article 2(3) of the African Union

³⁴ United Nations Convention against Corruption, New York, 31 October 2003, entered into force 14 December 2005, United Nations, Treaty Series, vol 2349, p 41 (Multilateral Treaty No XVIII-14).

³⁵ United Nations Convention Against Corruption (General Assembly resolution 58/4 of 31 October 2003).

³⁶ African Union Convention on Preventing and Combating Corruption (adopted 11 July 2003, entered into force 5 August 2006) ('AUCPCC') 43 ILM 5 (2003).

³⁷ African Union Advisory Board Against Corruption, 'Status of Ratification of the Convention on Corruption' (African Union Anti-Corruption Portal, 11 June 2021) <<https://anticorruption.au.int/en/documents/2021-06-11/status-ratification>> accessed 23 January, 2026.

Convention on Preventing and Combating Corruption in the context of environmental justice, particularly through inadequate anti-corruption policies that fall short on transparency, accountability, public participation, and proper management of public natural resources, which includes forests and the biodiversity they possess. These failings to fully implement the UNCAC and African Union Convention on Preventing and Combating Corruption has also negatively impacted Article 21 of the Banjul Charter that provides for the peoples' right to freely manage and dispose of their wealth.

Despite legislative frameworks and participation in UNCAC reviews, systemic gaps have allowed corruption to drive environmental degradation in sectors like wetlands and forestry. Article 6(1) of the African Convention on the Conservation of Nature and Natural Resources provides that the Contracting States shall adopt all appropriate measures to safeguard plant life and to promote its sustainable utilisation and development.³⁸ Following failures of governance, forestry has continued to diminish.³⁹ These failures of governance undermine two key pillars of environmental justice, namely equity in distribution and accountability: whereas forest-dependent communities experience the social and ecological costs associated with the loss of Uganda's forests, the benefits associated with Uganda's lost forests are received by private actors who operate in ways that are often opaque and informal.⁴⁰

Article XIII of the Constitution of the Republic of Uganda 1995 provides for the protection of natural resources, which include land, water, wetlands, minerals, oil, fauna and flora.⁴¹ This is in line with Section 4 (1) of the National Environment Act, 2019, which provides the right of nature to exist, alongside Section 5(1) of the same legal instrument, which allows for an established authority to ensure that principles of environment management are complied with for sustainable development.⁴² However, this constitutional and legal promise of environmental justice has been violated. This is due to the repeated violations of the constitutionally-mandated principles of Article XIII, and the provisions of the National Environment Act, 2019, which are based on administrative discretion, such as, but not limited to, land classification, and political interference, in addition to a lack of enforcement. Consequently, protected areas, such as forest reserves and wetlands, continue to be converted into areas that may provide short-term economic and extractive

³⁸ African Convention on the Conservation of Nature and Natural Resources (2003) CAB/LEG/24.1.

³⁹ Ritah Kigonya, Patrick Byakagaba, Edward Ssenyonjo and Charlotte Nakakaawa Jjunju, 'Biodiversity Offsetting in Uganda's Protected Areas: A Pathway to Restoration of Forest Biodiversity?' (2024) 73 *Environmental Management* 1134–1149.

⁴⁰ R K Kambugu, A Y Banana, P Byakagaba, C Bosse, M Ihalainen, C Mukasa, G Schoneveld, A Zziwa and P O Cerutti, 'The Informal Sawn Wood Value Chains in Uganda: Structure and Actors' (2023) 25 *International Forestry Review* supp 1, 61.

⁴¹ Constitution of the Republic of Uganda 1995.

⁴² National Environment Act 2019 (Uganda).

opportunities, while neglecting both long-term ecological sustainability and community rights.⁴³ In consequence, the constitutional obligation to protect and conserve natural resources is being eroded through failure of government to implement environmentally-sound management practices related to resource extraction; to involve citizens in decision-making processes regarding land use and resource extraction and to establish sufficient accountability mechanisms for resource extraction activities.⁴⁴ Therefore, Article XIII has functioned as less of a binding constraint upon governmental actions and more of an aspirational goal, subject to potential circumvention of its provisions through land allocation decisions, license approvals and resource extraction activities.

In Uganda's emerging oil industry, there appear to be similar structural risks reflective of the Nigerian case. Although Uganda's legal structure for the exploration and production of petroleum formally requires assessments of environmental impact and assigns specific roles to regulatory agencies, its fragmented structure across government departments, energy, environment, land, and investment, creates significant coordination challenges that are consistent with the institutional problems in Nigeria.⁴⁵ Allegations of lack of transparency and elite capture, regarding the process for obtaining licenses, compensation for land acquisition, and resettlement arrangements, raise questions about whether Uganda has achieved public participation and access to information in practice.⁴⁶ Currently, at the very early stages of development, the risk of environmental harm is complemented by the potential for the normalisation of decision-making processes that marginalise affected communities and limit their opportunity to obtain meaningful redress before increased extraction leads to greater and more permanent environmental degradation.⁴⁷ From an environmental justice perspective, Uganda provides evidence of how procedural failures can lead to substantive injustice. There is certainty that low levels of community participation in land use decisions, limited access to judicial and administrative remedies, and poor disclosure practices all undermine the capacity of affected populations to challenge environmentally harmful and inequitable results.⁴⁸ These shortcomings also intersect with the norms

⁴³ Ignaciuk A, Kwon J, Maggio G, Mastrotillo M and Sitko NJ, 'Harvesting Trees to Harvest Cash Crops: The Role of Migrants in Forest Land Conversion in Uganda' (2023) 134 Land Use Policy 106923.

⁴⁴ Paul Atagamen Aidonojie, Esther Chetachukwu Aidonojie, Godswill Owoche Antai, Collins Ekpenisi and David Ayuba, 'Constitutional and Legislative Frameworks for Green and Sustainable Environmental Governance in Uganda' (2025) 1(1) International Journal of Constitutional and Administrative Law.

⁴⁵ Pius Kahangirwe and Frank Vanclay, 'Evaluating the Effectiveness of a National Environmental and Social Impact Assessment System: Lessons from Uganda' (2022) 40(1) Impact Assessment and Project Appraisal 75–87.

⁴⁶ Tom Ogwang, 'Cut-off and Forgotten? Livelihood Disruption, Social Impacts and Food Insecurity Arising from the East African Crude Oil Pipeline' (2021) 74 Energy Research & Social Science 101970.

⁴⁷ Ata Senior Yeboah and Charles Gyan, 'Burden Without Benefit: Examining Environmental Injustices in Stone Extraction in Buoku, Ghana' (2025) 23 The Extractive Industries and Society 101681.

⁴⁸ Sean Whittaker, 'Exploring a Right to Submit Environmental Information Under International Environmental Law' (2023) 35(3) Journal of Environmental Law 401.

related to anti-corruption. Failures in terms of transparency in licensing and land transactions compromise the effectiveness of anti-corruption measures; inadequate accountability mechanisms create opportunities for abuse of public authority; and institutional fragmentation makes enforcement erratic and selective.⁴⁹ As such, the resulting governance environment allows corruption to both accompany environmental harm and enable it.

While Uganda has ratified various international and regional agreements related to anti-corruption and the environment, the country's failure to adequately integrate these norms into domestic environmental and natural resource governance regimes limits the capacity of these norms to act as procedural safeguards for environmental justice. Moreover, given the fact that institutional choices made during the early stages of extractive development are likely to establish enduring precedents, the failure to develop strong linkages between transparency, participation, and accountability at this stage of development may reproduce the entrenched injustices found in more developed extractive economies. The analysis of the Ugandan case supports the central argument that environmental justice cannot be achieved solely through environmental regulation. Given the ongoing deforestation in Uganda and the emergent nature of its oil extraction, anti-corruption regulations will need to operate as a necessary prerequisite for fair and sustainable governance of these resources. Furthermore, absent a purposeful effort to achieve legal and institutional convergence, the early stages of extractive development will provide a mechanism for the premature allocation of environmental risks and benefits along unequal lines. Thus, the Ugandan case illustrates that the costs of fragmentation occur at the point when the choice of governance mechanisms determines whose interests the law is intended to protect, and whose are marginalised.

Convergence of Norms and the Case for an Integrated Legal Framework

From the analysis, there is an indication of a normative commonality in the underlying principles of both environmental justice and anti-corruption regulations; they are structurally similar and therefore complementary. Thus, environmental justice has an inherent set of governance principles, which are equity, meaningful participation, access to information, intergenerational stewardship, and accountability, and these are identical to those necessary for an anti-corruption regime to be effective, i.e., transparent and accountable decision-making processes, the use of public power with integrity, and the application of the rule of law. The similarity in the underlying principles of environmental justice and anti-corruption regulation is not coincidental. Rather, this similarity represents a common normative position toward the limitation of discretionary public power

⁴⁹ Amanze Ejiogu, Mercy Denedo, Osamuyimen Egbon and Sarah Lauwo, 'The Translucence of Transparency: Extractive Industry Beneficial Ownership Disclosure as an Emerging Transparency Regime' (2025) 102 Critical Perspectives on Accounting 102806.

abuse and toward the equitable distribution of public resources, which includes natural resources, in order to serve the general good, as opposed to being used for personal or private gain.

Beginning with the international and national jurisdictions, there are evident linkages between the various instruments for combating corruption and for implementing environmental governance. This is clear through the ways they address the procedural and substantive aspects of each instrument, as well as the overlap. The instruments for combating corruption emphasise transparency, citizen monitoring, and responsibility to citizens in relation to the administration of public affairs and property, whereas instruments for environmental governance are increasingly requiring the inclusion of participatory rights, the duty to disclose information, and a duty of stewardship to current and future generations. Although the instruments may be housed in separate legal frameworks, they are developing a common architecture for regulating power and its application within the context of expertise and influence asymmetry that provides an opportunity for abuse. The African human rights system also supports the convergence of environmental protection, resource governance, and the collective interest tied to dignity, development and self-determination, thus providing an additional basis for viewing both corruption and environmental harm as breaches of the shared values of the public as opposed to being isolated breaches of regulatory requirements.⁵⁰

In the Nigerian and Ugandan case studies, the failure to recognise and implement this convergence will undermine the goals of both anti-corruption initiatives and environmental justice. In Nigeria, the segregation of anti-corruption institutions and environmental regulatory bodies has permitted the regulatory capture and opaque licensing practices to continue despite the formal presence of strong legal standards. Anti-corruption mechanisms, operating independently of environmental governance, have been unable to address the environmental impacts of corrupt practices involved in extractive activities. Similarly, environmental laws, enforced separately from integrity and accountability frameworks, lack the institutional strength required to resist political and economic pressure. As a consequence, environmental harm becomes normalised, and accountability to those impacted remains episodic and selective.

Although located in a relatively early stage of extractive development, Uganda's experience shows a similar structural issue. There are institutional segmentation and discretionary governance that have already created patterns of land allocation, licensing, and forest management. These exclude or limit the ability of affected communities to obtain information and remedies. The separation of anti-corruption

⁵⁰ Olalekan Moyosore Lalude, Daniel Oluwadayo Akindipe, Sophia Abiri-Franklin and Sharon Osho, 'Examining the Banjul Charter as An Instrument for the Realization of Environmental Justice in Trade And Investment Agreements' (2026) 17 Journal of Sustainable Development Law and Policy 580,599.

oversight from the decision-making processes related to the environment limits the ability of both regimes to provide adequate safeguards. Procedural shortcomings, in particular, weak participation and transparency, translate directly into substantive injustices.⁵¹ This further indicates that environmental harm and corruption are complementary expressions of the same failures in governance. The comparative observations demonstrate that fragmentation is not merely a neutral administrative option, but it represents a normative deficiency that reduces the protective potential of the law.

There is a risk in treating environmental regulation and anti-corruption regulation as separate legal areas. This matters because it conceals the way corruption is facilitated and committed using environmental regulation processes, such as licensing, enforcement, compensation and remediation. This leads to a direct relationship between the failure of integrity and the harm to the environment. The separation of these two legal areas creates problems regarding the accountability of responsible parties with overlapping duties, but who lack adequate coordination. This separation benefits large-scale economic actors at the expense of economically disadvantaged communities. Additionally, the separation of environmental regulation from anti-corruption regulations makes it more difficult for claimants to bring rights-based claims because claimants have to navigate different legal systems when addressing the same issue. Therefore, the harm that victims experience is not adequately represented in the legal process.

The integration of environmental justice and anti-corruption law into one legal system will address many of the shortcomings identified above through the provision of a single regulatory structure that combines anti-corruption regulations with environmental regulations, thus promoting coherence in environmental governance. Conceptually, the first step toward achieving an integrated regulatory structure is legislative harmonisation. This could be achieved by embedding obligations regarding transparency, disclosure and integrity directly into environmental and natural resource laws, instead of leaving them embedded in anti-corruption laws. Institutional coordination mechanisms that minimise jurisdictional overlap are required to establish common accountability frameworks for anti-corruption agencies, environmental regulatory agencies, and land authority agencies. Furthermore, the engagement of transparency in procedural matters and active public participation serve as a type of connective tissue in this model that allows communities to participate as stakeholders in decision-making processes and as watchdogs over both environmental compliance and adherence to integrity standards. The inclusion of rights-based enforcement mechanisms, which include access to courts and effective remedies, provides a means of translating the

⁵¹ Aled Williams and Kendra Dupuy, 'Deciding Over Nature: Corruption and Environmental Impact Assessments' (2017) 65 Environmental Impact Assessment Review 118,124.

convergence of environmental justice and anti-corruption regulations into practical accountability, thereby providing a mechanism whereby environmental justice claims can be made against corruption.

4. Conclusion

This article has shown that African environmental injustice cannot be properly dealt with until the role of corruption in creating environmental harm is recognised and confronted as a structural and systemic force. The article has compared Nigerian and Ugandan legal doctrines and laws on corruption to demonstrate how corruption does not simply happen to cause environmental damage; rather, it is built into the legal, institutional and procedural frameworks for managing natural resources. The lack of a direct link between anti-corruption law and environmental regulation reduces the ability of government agencies to enforce regulations effectively and increases the difficulty of holding people accountable for their actions while also reinforcing inequitable distribution of environmental risks and rewards. Therefore, while environmental justice, which is composed of equity, participation, transparency, and accountability principles, is formally stated in many international, regional, and national legal documents, these principles remain largely aspirational.

It is important to recognise anti-corruption law as a fundamental part of the environmental governance system, rather than a system of secondary or peripheral importance. African states should develop cross-border legislation that integrates the governance of the environment and natural resources, incorporating elements of transparency, disclosure, and integrity. Furthermore, all processes for obtaining environmental licenses and concessions for the exploitation of natural resources should be protected by anti-corruption measures, including mandatory disclosure, conflict of interest, and independent monitoring. At an institutional level, the greatest need is to strengthen cross-sectoral coordination among environment regulators, anti-corruption bodies, land administration, and the judiciary. There is potential to reduce institutional rigidity and streamline cooperation and report results through information exchange, and a framework of shared accountability to reduce redundancy and circumvent elite capture. In the absence of these measures, anti-corruption law enforcement will remain sparsely implemented, and will deal a twofold blow to the rule of law regarding the environment and the trust of the people.

The right to public engagement and the right to access information must be respected. Community involvement in making decisions about the environment can act as a disincentive to corruption. At the regional and international level, more weight should be placed on the implementation of obligations under existing instruments such as UNCAC, the African Union Convention on Preventing and Combating Corruption, and the African Convention on the Conservation of Nature and Natural Resources within environmental and natural resource governance in an integrated manner. Compliance assessments and peer review mechanisms should specifically evaluate how anticorruption measures are applied within environmental and natural resource governance, not isolate these areas from one another.