# Music environmental advocacy and legal challenges in contemporary Nigeria

### **Osarodion Emmanuel Otamere**

Department of Music Education Edo State College of Education Abudu, Nigeria

&

## **Charles Osas Aiyudubie**

Edo State High Court of Justice Benin City, Nigeria

### **Abstract**

Nigeria is a nation rich in natural and human resources, but it is also inundated by acute environmental degradation, which affects its marginalized communities. This has sparked a strong need for environmental advocacy, justice, and awareness, with music serving as a veritable mechanism for the actualization of this quest. This paper investigates the relationship between environmental justice, music, and law in Nigeria. It explores how artists, like Fela Kuti of the late 1990s to the more contemporary Burna Boy, have utilized music in environmental advocacy, especially in the degraded oil rich Niger Delta. The paper examines the already existing legal framework, both domestic and international, that ought to protect these musical advocates. It contends that, although the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for the protection of certain fundamental rights, particularly the right to freedom of expression, and the existence of other specific environmental laws, there is a monumental gap between de jure protections in theory and de facto reality. Findings reveal that the gap is a result of weak enforcement and lack of political will, state-corporate collusion, corruption, and a history of political oppression. In conclusion, the paper recommends strengthened legal institutions to ensure that the voices advocating for environmental justice are not muted but amplified and protected.

**Keywords**: Environmental Justice, Nigeria, Protest Music, Niger Delta, Legal Protection, Freedom of Expression, Human Rights

#### Introduction

Nigeria, which is Africa's largest producer of oil, heavily depends on crude oil for over 90% of its export gains and 60% of the government's overall revenue (World Bank, 2022). The Niger Delta region, spans approximately 11,000 square kilometers across nine states, and it is the nucleus of this prosperity. With about 30 million people from more than 40 ethnic groups, the region's mangrove forests, rivers, and wetlands previously served as a flourishing fishing and farming community (UNEP, 2011). Sadly, as at present, it is one of the most environmentally degraded regions on the planet.



**Figure 1**. A gas flare in the Niger Delta, visible from miles away, symbolizes the constant environmental pollution faced by local communities (Photo Credit: Ed Kashi/VII Photo Agency).



**Figure 2.** A community fishing in a polluted river in the Niger Delta. Decades of oil spills have decimated fish stocks, a primary livelihood for many residents (Photo Credit: Punch newspaper, 15th October 2022)

Continuous oil exploration and exploitation have left a history of destruction in the Niger Delta region. The United Nations Environment Programme (UNEP) estimates that between 1976 and 2011, more than 11,000 oil spillages have occurred in the Niger Delta, emitting over 1.5 million tons of oil and this is equivalent to one Exxon Valdez spill every year for 50 years (UNEP, 2011). Gas flaring, during oil extraction, emits toxic pollutants such as benzene, and it accounts for over 40% of Nigeria's greenhouse gas emissions (World Bank, 2021). The outcome is a public health disaster: communities around this region have experienced increased rates of cancer, respiratory diseases, kidney failures, and defects in childbirth. A 2020 survey of 1,000 residents in Bayelsa State found that 60% had a family member with a chronic illness linked to pollution (UNEP, 2011; Niger Delta Health Survey, 2020).

Fishing and farming, which serves as the primary livelihoods in the Niger Delta Region, have been annihilated. A 2019 study by the Nigerian Institute for Oceanography and Marine Research found that fish stocks in polluted areas had declined by 80% since 1980, affecting livelihoods (Amnesty International, 2018). Farmers report that crops fail to grow due to polluted soil (Nigerian Institute for Oceanography, 2019).

Environmental degradation is not just a threat to physical health; it is an attack on cultural identity. This is because Many Niger Delta communities have sacred forests, rivers, and sites that are central to their spiritual and cultural beliefs of the people who live in this region. Oil exploration has destroyed these sites. For example, in 2017, a Shell pipeline was built through the "Sacred Forest" of the Ijaw people, a site used for traditional ceremonies (Ijaw Cultural Foundation, 2017). As communities are displaced by pollution, traditional languages and cultural practices are lost.

This environmental degradation is a reference point of environmental injustice; a concept which is defined as the exposure of marginalized communities to environmental menace, coupled with their exclusion from decision-making and economic benefits (Bullard, 1990). In the Niger Delta, local communities, many of whom live on less than \$1 per day, bear the consequences of pollution while international oil companies (IOCs) like Shell, Chevron, and ExxonMobil extract billions in profits (Oronto, 2010).

As a response to this systemic injustice, numerous Nigerian communities have participated in various forms of resistance through protests, litigation, and grassroots mobilization. As part of these, music has shown itself to be a resilient and formidable tool in the fight against environmental injustice. Nigeria's cultural landscape is largely dependent on oral tradition, where music is not merely an entertaining art but a channel for narrating stories, preservation of historical events, and promotion of custom and tradition (Olorunyomi, 2003). From the beats of the traditional *dundun* drums of the Yoruba people to the melodies of Highlife and the politically motivated Afrobeat of Fela Kuti, music has long been a lens for reflecting societal struggles. For communities in the Niger Delta, music is not hindered by educational, and

linguistic barriers. Lyrics in local languages like Ijaw, Ogoni, and Itsekiri convey the unfortunate reality of pollution; children with skin diseases, rivers that once harbored fish, now coated in oil. Music evokes shared pain and hope, transforming an individual's suffering into a collective call to action (Akinyoade, 2021). As Nigerian musician and activist Nneka notes, "Music is the language the people understand. When you sing about their pain, they feel seen" (Nneka, 2015, as cited in Oluwafemi, 2020).

However, music that boldly challenges the powerful state-corporate links faces huge risks. This paper examines the legal protections theoretically available to Nigerian musicians using music for environmental advocacy, the gap between these protections and reality, and pathways to close that gap.

### Fela Kuti and the birth of Nigerian protest music

The current trend of using music for social and political activism in Nigeria is closely linked to Fela Anikulapo-Kuti (1938–1997), the pioneer of Afrobeat. Fela's music was not exclusively environmental, but his critiques of corruption and neocolonialism set the road for the groundwork for all subsequent protests in the nation. His songs were a direct attack on the post-colonial Nigerian state, which he viewed as a tool of foreign exploitation.

"Sorrow, Tears and Blood" (1977): This song was Fela's response to the 1977 military invasion of his compound known as the "Kalakuta Republic," which left approximately 1,000 people injured and his mother killed. The lyrics "Sorrow, tears, and blood / Are the instruments of the oppressors" condemned state oppressive rule, a theme that is familiar to environmental activists who face similar violence when challenging oil companies (Olorunyomi, 2003).

"Zombie" (1976): A strong critique of the Nigerian military's blind obedience to authoritarian orders, "Zombie" became a song for resistance. Fela lyrics, "Zombie no go think / Unless you tell am to think," mocked soldiers who carried out the will of the oppressive government. For environmental advocates, this critique includes security forces deployed to protect oil pipelines instead of communities (Olorunyomi, 2003). Fela's Lagos nightclub, the Shrine, became a center for opposition, where he performed songs that directly named politicians and corporations involved in the mismanagement of national resources. This made him a person of interest: he was arrested over 200 times, and his home was burned down by state actors (Olorunyomi, 2003). His legacy is a witness to the power of music in challenging political power.

Fela's influence predates contemporary Nigerian music, but the focus on environmental issues emerged more prominently in the 1990s and 2000s, as the Niger Delta crisis worsened.

## The Ogoni struggle and the music of resistance

The 1990s gave rise to the Ogoni people's movement against the explorative activities of companies like Shell. The Movement for the Survival of the Ogoni People (MOSOP) was anchored by Ken Saro-Wiwa, who used music, theater, and public protests to advocate for environmental justice. While Saro-Wiwa himself was a writer, Ogoni musicians composed songs that became anthems for the movement. For example, the song "Ogoni Land" (author unknown) was sung at MOSOP rallies, with lyrics like, "Ogoni land is bleeding / The oil companies have come to steal / Our rivers are dead, our children are sick / When will the world hear our cry?" (Human Rights Watch, 1995). These songs mobilized the community and amplified their shared grievances to a broader audience.

## The 2000s-2010s: The activities of mainstream Nigerian artists

By the 2000s, popular Nigerian musician began to lend their voices to the discourse on environmental injustice, resulting in a growing national awareness of the Niger Delta predicament. Fela's Son, Femi Kuti, continues his father's legacy, fusing Afrobeat with societal reflection. His album, released in 2001, titled *Fight to Win*, includes songs like "*Dem Bobo*" (They Are Robbing Us), which criticizes the exploitation of the Nation's resources by these foreign corporations (Akinyoade, 2021). Other musicians also emerged, challenging environmental degradation in the Nigeria Delta using their music.

# Nneka: A German-Nigerian Singer

Nneka's 2008 album *No Longer at Ease* features "Soul is Heavy, a song that directly amplifies Niger Delta's present predicament: "Blood on the oil / Blood on the money / Blood on the greedy / Blood on the power" (Nneka, 2008). The song's explicit lyrics make it a resounding repertoire at environmental protests.

### **Oritse Femi:**

A Delta-born artist, Oritse Femi's 2011 hit "elewon" sings of a region "drowning in oil" and "crying for help." The song's music video, shot in the Delta, highlighted polluted rivers and frustrated communities, making the looming crises more relatable by non-inhabitants of the niger Delta region (Oritse Femi, 2007).

### Burna Boy: From local to global advocacy

Damini Ogulu otherwise known as Burna Boy emerged from one of the Niger Delta city of Port Harcourt, giving his music an close connection to the region's struggles. His 2019 album *African Giant* and 2020 album *Twice as Tall*are direct in their appraisal of neocolonialism and environmental abuse.

"Another Story" (2019): The first song in the album, African Giant, opens with a poetic introduction narrating how Nigeria's oil wealth was ceded to foreign companies, creating the avenue for its plundering. The song's lyrics, "They took the gold, they took the diamond / They took the oil, they took the land," link underdevelopment to resource exploration (Burna Boy, 2019).

"Monsters You Made" (2020): This song from *Twice as Tall*, featuring Coldplay's Chris Martin, is a direct indictment of the heritage of colonialism and collective greed. The lyrics, "You *created the monsters / Now you're scared of us*," are an analogy of how host communities of these oil exploitation, being constantly degraded by pollution, have resorted to violence and attacks (Burna Boy, 2020). The song's music video depicts scenes of oil spills and protests, making the expression direct. Burna Boy's 2021 album *Love*, *Damini* which, for its first time sat at No. 1 on the Billboard 200has attracted global interest to the Niger Delta.

# **Grassroots artists: the unsung voices**

While Burna Boy and Nneka have international recognition, numerous home-based musicians in the Niger Delta also advocates for their communities. These musicians usually perform at social gatherings, religious meetings, festivals, and protests, spreading their songs through oral tradition.

"Ijaw Women's Song" (Traditional): This activism can be witnessed in the Ijaw community, where women have used music to express their grievances. The traditional song, "Our Rivers Are Dead", sung at local meetings, laments, "Our fish are gone, our children are sick / The oil companies came, and they left us nothing" (Ijaw Cultural Foundation, 2018).

## The legal framework for protection

The theoretical legal protection in Nigeria includes both domestic and international laws, which provide for the rights of individuals using music for environmental advocacy. Despite this, there exists a gap between the letters of the law and its practical enforcement. Some of these laws include:

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

The 1999 Constitution is the grund norm of Nigeria, which is the bedrock of fundamental rights protection. These fundamental rights are enshrined in Chapter IV of the Constitution, and two sections are important for musical advocacy:

### Section 39(1): Freedom of Expression

"Every person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."

This provision directly guarantees musicians' right to produce and distribute songs with explicit environmental messages. It conforms with the international human rights standards, such as Article 19 of the Universal Declaration of Human Rights (UDHR), which was ratified by Nigeria in 1985. (Federal Republic of Nigeria, 1999). However, Section 39 in itself is not absolute. This is because Section 45 permits the government to restrict this right "in the interest of public order, public morality, or public health." Over the years, past governments have relied on these exceptions to justify the oppressive handling of these protesters. For example, during the 2020 EndSARS protests (a movement against police brutality), the government called the protests "a threat to public order" and consequently temporarily banned Twitter, a

social medium used to coordinate and amplify protest music (Amnesty International, 2020).

Section 40: Freedom of Assembly and Association

"Every person shall be entitled to assemble freely and associate with other persons, and in particular, he may form or belong to any political party, trade union, or any other association for the protection of his interests." This provides for the right of communities to mobilize people for protests, rallies, and gatherings, which are often energized by protest music. However, governments usually use security apparatus to disband such gatherings, stating "public order" concerns as justification (Amnesty International, 2018).

# The National Environmental Standards and Regulations Enforcement Agency (NESREA) Act (2007) (as amended)

The NESREA Act created a regulatory body for the enforcement of environmental laws, which complements the Environmental Impact Assessment (EIA) Act and the Petroleum Industry Act. Although it is primarily tasked with regulation, it directly supports the rights of citizens to report and advocate against environmental violations.

Section 7(1)(a):NESREA is saddled with "enforcing compliance through environmental laws, regulations, policies, and standards." This includes probing oil spills and gas flaring, which are recurring themes in protest music.

Section 7(1)(d): NESREA has the mandate to "promote public awareness and participation in environmental matters." This conforms with the role of music in increasing awareness (Federal Republic of Nigeria, 2007).

Despite these provisions, NESREA's effectiveness is hindered by many factors which include low funding, corruption, and a lack of political will. A 2016 study found that the agency's budget is less than 0.1% of Nigeria's annual oil revenue, limiting its ability to investigate and penalize polluters (Egwurugwu, 2016).

## The Environmental Impact Assessment (EIA) Act (1992)

The EIA Act provides that an assessment be carried out for projects likely to have an immense environmental impact, such as oil exploration and exploitation. In fact, it stipulates public participation, granting communities a legal platform to voice their grievances to alleviate their fears, which can be supported by music.

Section 4(1): "The public shall be given adequate opportunity to participate in the environmental impact assessment process."

Section 4(2): "The Agency shall ensure that the public is informed of the project and its potential environmental effects."

While the letters and spirit of this law gives the communities the capacity to criticize projects that pose a menace to their environment, compliance is usually cosmetic in

nature as Oil companies present EIA reports that water down risks, and the communities are often excluded from input due to a lack of access to significant information. (Egwurugwu, 2016). Music, as a medium for breaking down complex issues, has been used to fill this gap. For example, in 2018, people of Ogoniland (the nexus of Ken Saro-Wiwa's activism) composed a song, "No More Pipelines", to protest a new Shell project. The song was performed at community hearings, helping to amplify perceived concerns in accessible terms (Ogoniland Youth Movement, 2018).

## **International legal protections**

Nigeria is a signatory to several international treaties that reinforce the rights of environmental advocates. Some of which include:

## The African Charter on Human and Peoples' Rights (ACHPR)

Incorporated into the Nigerian legal system through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act (1983), the ACHPR provides powerful protections:

## Article 9: Freedom of Expression

"Every individual shall have the right to receive information and to express and disseminate his opinions within the law.

## Article 24: Right to a Satisfactory Environment

"All peoples shall have the right to a general satisfactory environment favourable to their development." This article directly links human rights to environmental quality, creating a legal justification for communities to seek protection from pollution (African Union, 1981). In 2001, the African Commission on Human and Peoples' Rights ruled in SERAC & Anor v. Nigeria (2001) AHRLR 60 that the Nigerian government's refusal to protect the Ogoni people from Shell's pollution violated Article 24 (African Commission, 2001). This significant case further proves that environmental degradation violates fundamental human rights.

### The Universal Declaration of Human Rights (UDHR)

Nigeria is also a party to the UDHR, which includes:

Article 19: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

Article 20: "Everyone has the right to freedom of peaceful assembly and association."

These provisions reaffirm the domestic protections in the Nigerian Constitution.

# The International Covenant on Civil and Political Rights (ICCPR)

Nigeria ratified the ICCPR in 1993, which further codifies these rights:

Article 19: "Everyone shall have the right to hold opinions without interference... and freedom to impart information and ideas of all kinds, regardless of frontiers."

Article 21:"The right of peaceful assembly shall be recognized."

The UN Human Rights Committee, which is saddled with compliance with the ICCPR, has continuously expressed concern about Nigeria's oppression of environmental activists. In its concluding observations in 2019, the Committee noted "reports of intimidation, harassment, and violence against human rights defenders, including those working on environmental issues" (UN Human Rights Committee, 2019).

## The gap between law and reality: the failure of protection

Despite the strong legal framework, in practice, Nigerian musicians and communities using music for environmental advocacy are exposed and extremely vulnerable to the dangers of suppression. These rights provided by the Constitution and international laws are regularly subverted by powerful economic interests, often in connivance with state actors. A good example is the Ogoni crisis and the legacy of Ken Saro-Wiwa. (See Human Rights Watch, 1995)

# The 1995 Execution: A Disturbing Reference

In 1994, four Ogoni chiefs were murdered during a pro-administration rally. The Nigerian military, in collusion with Shell, accused Saro-Wiwa and eight other MOSOP leaders of the murders. They were tried by a military tribunal in a trial which, though arguable, was widely condemned as a sham. (Human Rights Watch, 1995).

On November 10, 1995, Saro-Wiwa and the "Ogoni Nine" were executed by hanging. The execution sent a sad message to all environmental activists that such advocacy that threatens the state-corporate oil relationship will be met with decisive force. Nnimmo Bassey noted, "Ken's death was a warning: if you challenge the oil industry, you risk your life" (Bassey, 2011, as cited in Oronto, 2010). Although state-sanctioned public executions of activists are less common today, the suppression of environmental advocacy continues in diverse forms.

### Challenges

The Nigerian government is largely dependent on oil revenue, which accounts for over 60% of its budget (National Bureau of Statistics, 2022). This creates the unhealthy urge for the state to prioritize the interests of oil corporations over the rights of citizens. This is often seen in the following state measures:

Security Force Deployment: Protests against oil companies are usually dispersed by police or military forces who act with impunity. For example, in 2020, inhabitants of the Niger Delta town of Kolo Creek protested a Shell pipeline leak that polluted their water supply. The police retaliated with tear gas and live ammunition, killing two protesters (Amnesty International, 2020).

Corporate Influence on Policy: Oil companies usually lobby for laws that restrict community rights. For example, the Petroleum Industry Bill (2021), which regulates the oil industry, initially contained provisions that restricted communities' ability to sue for environmental damage (Oluwafemi, 2021).

Regulatory bodies like NESREA are often underfunded, under-resourced, and susceptible to corruption. This restricts its capacity to regulate compliance, investigate spills, or enforce penalties. A 2018 report by Transparency International reveals that 70% of Nigerians believe the environmental sector is "corrupt or very corrupt" (Transparency International, 2018).

Activists and community leaders, including those who use cultural tools like music, are suppressed through arbitrary arrest, intimidation, and surveillance. While musicians like Burna Boy with global recognition may be too visible to target directly, their local counterparts are highly vulnerable.

Additionally, the law is often weaponised to suppress activists through the filing of frivolous lawsuits known as Strategic Lawsuits Against Public Participation (SLAPPs). These lawsuits, while being an abuse of court processes, drain the financial resources and diminish the morale of activists. (Amnesty International, 2020).

Furthermore, digital platforms have modified how protest music is produced, distributed, and suppressed. Social media platforms like YouTube, Instagram, and TikTok have helped Nigerian musicians reach global audiences. Burna Boy's "Monsters You Made" has over 13 million views on YouTube, while Nneka's "Soul is Heavy" is used in documentaries and international advocacy campaigns (YouTube, 2025). This global visibility offers subtle protection as the government targeting a well-known artist will risk facing international backlash. Additionally, the Cybercrime Act 2015 has been used to arrest individuals for "cyberstalking" or "hate speech" after posting critical songs online. (Premium Times, 2021).

### Conclusion

Music in Nigeria serves more than its entertainment role; it is a vital medium for environmental justice. From Femi Kuti's Afrobeat songs to Burna Boy's global hits, musicians have used music to record the hardships of communities in the Niger Delta, demanding accountability, and preserving cultural identity.

However, the legal protections that should shield these voices are often illusionary. The gap between *de jure* rights and *de facto* reality is created by state-corporate alignment, weak enforcement, and a history of silencing activists. The legacy of Ken Saro-Wiwa serves as a stark reminder of the gory risks involved. Bridging this gap is important for Nigeria's democracy and the future of its environment. It requires not only legal and institutional reform but also the continued determination of communities and musicians who refuse to be silenced. Their music is an echo of the injustice on the ground and a demand for a future where the environment is

protected, and the people who defend it are celebrated, not persecuted. The fight for environmental justice in Nigeria will be won not only in courtrooms and legislatures but on the airwaves and in the streets, carried by the rhythm of protest.

### Recommendations

Closing the gap between legal rights and reality requires a complex solution that empowers and strengthens institutions, communities, and utilizes international diplomacy. Improving Legal and Institutional Frameworks, establishing Environmental Courts, and enforcing the independence of the judiciary as enshrined in the constitution. Strengthen recurring specialized training programs for judges on environmental law, human rights, and the role of civil society. This would build expertise and create awareness in handling cases related to environmental advocacy.

Increase funding for environmental agencies like NESREA to increase performance. Establish training for its staff and provide for technical and professional training. Access to tools and mobility to aid data collection, detection of environmental infractions, and rapid response

Grassroots movements and musicians need support to navigate legal challenges. Establish regional legal aid centers in the Niger Delta, staffed by lawyers trained in environmental and human rights law. These centers could provide free representation to musicians and activists facing charges.

Partner with NGOs to train communities and other musicians on their rights under Nigerian and international laws. This would equip them with the requisite knowledge to challenge harassment and SLAPPs. Support should be given to initiatives that use music to preserve cultural identity and document environmental struggles. Create digital archives of protest songs, ensuring they are preserved even if suppressed. Platforms like the Niger Delta Music Archive (a hypothetical initiative) could catalog songs, lyrics, and oral histories. Provide funding to local musicians to create and perform protest music.

Strengthen anti-graft measures to fight corruption decisively. Push for stronger international norms to hold multinational corporations accountable. Advocate for laws in the home countries of oil companies (e.g., the U.S., U.K., France) that hold them liable for environmental and human rights abuses abroad. Support international campaigns for oil companies to disclose their environmental data, making it harder to hide pollution

Collaboration with global media outlets to amplify local voices through Partnership with outlets like BBC, Al Jazeera, or Netflix to produce documentaries featuring Niger Delta musicians. This would raise global awareness and pressure the Nigerian government to protect advocates. Diversification of the economy to reduce complete reliance on the oil and gas industry will in turn reduce environmental degradation in these communities.

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