

# NIGERIA



*One of the strongest commitments that can be made to the human right to water and the human right to sanitation is its clear, unequivocal articulation in a country's core laws. This fact sheet examines whether the country's core laws establish a human right to water and a human right to sanitation. We explore whether a right is explicitly stated in those core laws and whether the scope and parameters of right are described in the laws. Articulating a clear obligation is the starting point for implementing the human rights to water and sanitation at the country level.*

**Modest improvements in access to drinking water and sanitation have been achieved since 2000, but much more is needed to achieve universal access by 2030.** Nigeria, located in Western Africa, borders the Gulf of Guinea with a total area of almost 924,000 square kilometers and a population of more than 214 million people as of July 2020. Nigeria has the highest population of any African country. The median age of Nigerians is 18.6 years.

Nigeria's population has grown steadily since 2000. Urban populations have grown from 42 million people in 2000 to close to 95 million in 2017. Rural populations also grew from 80 million to 96 million during the same time frame. During this same period, sanitation and drinking water coverage has developed unevenly across the country. Overall, urban areas advanced quickly compared to rural areas where access stagnated. Urban areas saw better coverage in all areas of sanitation, including a decrease in the percentage of the population using open defecation. Rural areas saw almost all rates of sanitation staying about the same, with no improvement over the 17 years.

In 2017, the most recent year of JMP data, 31

percent of rural people used open defecation. Comparatively, 9 percent of urban denizens practiced open defecation. For urban areas, given the country's rapid urbanization, this is an achievement, as open defecation rates dropped from 14 percent of the 2000 population - or around 5.88 million people - to 9 percent of 95 million people - or around 8.33 million people. At the same time, the number of those covered by safely-managed sanitation or basic sanitation rose from about 13 million people to about 45 million people, from 30 percent to 48 percent. The numbers in the rural areas are much worse. The rate of rural people practicing open defecation improved from 33% to 31% of the rural population, but the raw numbers show that 29.5 million people used OD in 2017 compared to 26.5 million in 2000. Safely-managed and basic sanitation covered 23 million people in 2000 and 29.5 million in 2017, or a 30% increase in coverage. Urban areas saw a 246% increase in basic or safely-managed sanitation coverage during the same time. This situation led to a declaration of a state of emergency in the water, sanitation and hygiene sector in 2018 by the Ministry of Water Resources.

With respect to drinking water, in 2017, 36.4

percent of rural households continued to consume drinking water from unimproved sources or directly from surface waters such as lakes and rivers. Comparatively, 7.4 percent of urban households consumed drinking water from unimproved sources or directly from surface waters. Between 2000 and 2017, the consumption of drinking water from unimproved sources and directly from surface waters decreased by 23 percent in rural areas and by 4.6 percent in urban areas. In raw numbers, the number of people using surface waters or unimproved sources for drinking water decreased from approximately 47 million to 35 million between 2000 and 2017. In urban areas, the number of people increased by 2 million people during the same time period, with more people using unimproved sources. Between 2000 and 2017, there was a 1.2 percent increase in the use of safely managed water by urban communities which in raw numbers represented an increase of 13 million more people with access to safely managed water. In rural areas, access to safely managed water nearly doubled with more than 6 million people getting access to safely managed water by 2017.

In the 2019 WHO GLAAS Report, Nigeria reported that it did not have either a right to water or a right to sanitation contained in its Constitution.

**The (human) rights to water and sanitation have not been recognized in Nigerian law.**

Nigerian law does not establish a right to water

or a right to sanitation. The law also does not establish a right to a clean and healthy environment. The Constitution does require the State to protect and improve the environment and to safeguard water. Article 20. While this likely means that the State is obligated to take actions and adopt measures that prevent the contamination of the environment and water resources, it does not create a right to a clean environment or to water.

While no law creates a right to water or to sanitation, the Water Resources Act allows any person to “take water without charge for his domestic purpose or for watering his livestock from any watercourse to which the public has free access.” Article 2. Therefore, the law ensures that people can access water from public waterbodies free of charge, representing in-part an actualization of the right to water.

**References**

1. Constitution of the Federal Republic of Nigeria, 1999.
2. National Environmental Standards and Regulations Enforcement Agency (Establishment) Act, 2007.
3. The Water Resources Act, 1993.
4. Central Intelligence Agency (CIA), The World Factbook, Nigeria.
5. World Health Organization, Joint Monitoring Program (JMP) Global Database available at <http://www.washdata.org>.