

Examining Environmental Policies and Laws in Nigeria

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Abstract

Environmental degradation and dwindling is one of the characteristics of most developing countries. Significant proportion of population in developing countries rely on environmental resources. Lack of access to natural resources which are environmental wealth inflate production cost and make competition of such resources in the global market difficult for developing countries. In Nigeria, environmental master plan of Government is a must. The capacity of decision makers, policy makers, planners, implementers and researchers should be built to integrate it in engineering development especially in the policy on environment, and that there should be a shift from the government-only approach to an approach that embraces partnership amongst government, private and the civil society. Due to that, some state governments in Nigeria and even other developed countries have since charted ways to adhere to the policies. This paper focuses on policies and laws governing the protection against environmental discrimination and proper possible solutions.

Keywords: Environment, Policy, Laws, Nigeria.

1. Introduction

In its report on Nigeria, the Earth Trend Country Profile 2003 shows that the country flares 2.5billion cubic feet per day of associated gas and that represents 40% of all natural gas consumed in the continent of Africa, and further represents the single largest sources of GHG emissions on planet earth (2, 4). The Key to having an environmental policy that promotes even development of men and women while also providing remediation of past discriminations in the sector is to undertake rigorous

mainstreaming. This can be best achieved through the analysis of framework, and the analysis should be aimed at understanding issues on environment, observing current trend including division of labor, promoting access to resources, ensuring that budgetary allocation is sufficient to achieve set goals by the governments (3). The capacity of decision makers, policy makers, women, planners, implementation committees and researchers should be built to integrate gender issues in sustainable development especially in the energy policy (6,12). Lobbying and advocacy aimed at influencing decision making should highlight the importance of integrating environmental policies and promoting participation, formation and implementation process. There should be a shift from the only approach to an approach that embraces partnership amongst government-private and civil society (1). A policy which will address the land needs by supporting technological development and dissemination in sectors should be supported, where governments are most active and also provide adequate laws to safeguard the environment (12).

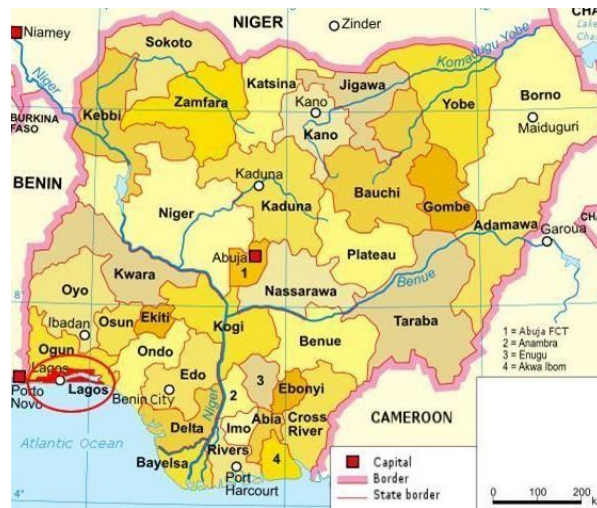


Fig. 1: Map of Nigeria showing the 36 States and the Federal Capital.

1.1 Location, Size and Climate

Nigeria is located in the western part of Africa, between latitudes $4^{\circ}16'N$ and $13^{\circ}52'N$; and between longitudes $2^{\circ}49'E$ and $14^{\circ}37'E$ (9). It occupies a total land area of $923,768\text{km}^2$ with a population of 147 million people as at 2006. By virtue of its geographical extent, it spans different climatic and ecological zones. The variable climatic conditions and physical features have endowed Nigeria with a very rich biodiversity and renewable energy sources. The mean annual rainfall ranges from about 450-700 mm in the northeast to about 3,500-4,300 mm in the coastal south-east, with rains falling within 90 to 290 days respectively. The mean annual temperature ranges from $21^{\circ}C$ in the south to $30^{\circ}C$ in the north with extremes of $14^{\circ}C$ and $45^{\circ}C$ and an altitude range of 0 - 1000m above sea level (9).

1.2 Planned Activities and Milestone

The Federal Government sets out six activities organized around the following programs (3):

- Framework Program for Environmental Protection
- State's Environmental Protection Agencies

1.3 Current Situation Concerning Environmental Policy In Nigeria

a. The Clean Energy Bill

This seeks to create a legislative framework to promote the rapid expansion of environmental engineering and improve its efficiency in the country. When passed into law, the Bill will enhance access to the environmental services, improved land security, increase the diversity of land sources, sustainable development and even address climate change which affect the environment nowadays. Members of the Clean Environmental Committee were drawn from the UNDP, other agencies of government, representatives of the renewable energy industries, NGOs, Research Centers etc.(6) The Committee was charged to come up with a Clean Energy Bill that will open a market for private sectors investors in resources that are endowed within the environment.

B Agriculture and Habitat Destruction

Agriculture in Nigeria is largely based on traditional technology. Shifting cultivation remains a major farming system among the peasant farmers who produce over 90 per cent of total food supplies. The farming method is a primary cause of habitat destruction (11). This is because it is characterized by vegetation destruction short fallow periods and unequal access to farmlands.

Large scale plantation establishment of cash crops as well as indiscriminate bush burning and overgrazing also lead to habitat destruction for indigenous species of plant and animals occurring in narrow ecological ranges. The area devoted to grazing in the country rose from 166, 326km² in 1978 to 187, 236km² in 1995 (11). Because most of the cattle are concentrated in the semi-arid zones that support 90% of cattle, the area is subjected to overgrazing, indiscriminate bush burning and shortage of fodder.

c. The Civil Society Efforts

This has compelled Government and other organizations to intensify effort on the issue of climate change and strong advocacy for its mitigation, adaptation as well as orientating and re-orientating stakeholders and the people on it. This area of orientation of the stakeholders is a major role that this forum would have to work seriously on and eventually as a network, it would form a critical area of focus. The effort of the organizers (CREDC and ERA/Friends of the Earth) of this forum is towards a climate change solution since land degradation are both mitigating and adapting mechanisms for climate change vulnerability. On climate change, there are steps to set a network to be of CSOs coalition known as Nigeria Action Network on Climate Change

(NANOCC) with the aim to achieve popular advocacy and down-to-earth implementation of programs/projects (7).

d. Community Level

Torchlight on this issue to the grassroots through programs such as Town Hall Meetings in the LGAs, where traditional rulers, community groups, youths, women and Local Government would be involved. Another sustainable development angle to this campaign is the mainstreaming of the process of advocacy, capacity building, orientation building etc. (12).

e. Genetic Erosion

A substantial loss of species diversity (intra and infra-specific) is due to habitat destruction resulting from land clearance for various uses. Forest exploitation and vegetation clearance are the major causes of natural gene-pool loss as is occurring in many species including *irvingia gobanensis* and *I. Wombulu* in the rainforest and Niger Delta. Most species that were originally diverse in Nigeria are becoming rare (11). The use of only improved varieties of crops and the complete neglect of local varieties and the land races also lead to loss of biodiversity. A major example of this is the use of improved okra (*Abelmoscus esculentus*) in place of the native materials of the tall okra (*A. caillei*) that is popularly known to be sensitive to day-length. Local varieties including sword bean (*Canavalia ensiformis*), African yam bean (*Sphenostylis stenocarpa*) and Lima beans (*Phaseolus lunatus*) are now becoming extremely rare, as only improved cowpea (*Vigna unguiculata*) is being cultivated in many farms.

2. National Policy On Environmental Conservation

Policy Framework-The national policy on conservation and sustainable use of land is an integral part of the national policy on environment. The policy was first developed in 1989 following the promulgation of the Federal Environmental Protection Agency (FEPA) decree no 58 of 1988 and revised in 1999. The decree provides the legal framework for the implementation of the policies on environmental protection, natural resources conservation and sustainable development (2). It is aimed at:

- (i) Integrating Biological Diversity considerations into national planning, policy and decision making; and
- (ii) Conserving and enhancing the sustainable use of the nation's biological diversity.

With the creation of the Federal Ministry of Environment (FME) in 1999, FEPA was absorbed and the ministry became the highest policy making body responsible for addressing environmental issues in Nigeria, including conservation of biodiversity.

In pursuit of the policy objectives as enunciated, an overriding concern is to alleviate poverty and increase the *per capita* income of Nigerians (6). Consequently, the country has developed strategies and programs for sound and sustainable

management of environment. The strategies have been designed to promote sustainable and adequate levels of funding and focus on integrated human development programs, including income generation, increased local control of resources, strengthening of local institutions and capacity building including greater involvement of community-based and non-governmental organizations, as well as the lower tiers of government as delivery mechanisms (5).

3. Legal framework

One of the significant outcomes of Nigeria's participation in the United Nations Conference on Environment and Development (UNCED) was the (2) signing of the Convention. Nigeria, thus assumes obligations under the provision of the treaty in accordance with customary international law. The Nigerian constitution makes fundamental provision for environmental protection and clearly identifies important components of environment (3). Section 20 of the constitution of the Federal Republic of Nigeria contains the country's environmental objectives that are meant, *"to protect and improve the environment and safeguard the water, air, land, forest and wildlife"*.

In recognition of the need to protect her resources, Nigeria has put in place a number of legislations including the Forestry Ordinance, the National Parks Decree, the Federal Environmental Impact Assessment Decree, and the Environmental Impact Assessment among others (6,10,11).

4. Discussion

In Nigeria, there is a huge abundance of land or environment, and, with a rural population of over 60%, centralized land system exists. The country has been solely dependent on the exploitation of oil and illegal mining. Up till now there are vandals of oil theft that often destroy the habitats. Access to affordable, reliable land is essential to development. An adequate solving of environmental problems will contribute to achieving progress across all pillars of development. Governments have taken joint actions to improve efforts to work together at all levels to improve access to reliable and affordable environmental services. Presently, the government is seeking assistance from Norway, while World Bank is presently mediating between the country and the Multinational oil/gas companies for a compromise on the ultimatum to end environmental degradation and pollution.

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